UNITED STATES
STATUTES AT LARGE

CONTAINING THE

LAWS AND CONCURRENT RESOLUTIONS
ENACTED DURING THE SECOND SESSION OF THE
NINETY-SIXTH CONGRESS
OF THE UNITED STATES OF AMERICA

1980

AND

PROCLAMATIONS

VOLUME 94

IN THREE PARTS

PART 3

PUBLIC LAWS 96–501 THROUGH 96–613,
REORGANIZATION PLAN,
PRIVATE LAWS,
CONCURRENT RESOLUTIONS AND PROCLAMATIONS

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96-366	*Fish and Wildlife Conservation Act of 1980.* AN ACT To assist the States in developing fish and wildlife conservation plans and actions, and for other purposes	Sept. 29, 1980	1322
96-367	*Energy and Water Development Appropriation Act, 1981.* AN ACT Making appropriations for energy and water development for the fiscal year ending September 30, 1981, and for other purposes	Oct. 1, 1980	1331
96-368	*West Valley Demonstration Project Act.* AN ACT To authorize the Department of Energy to carry out a high-level liquid nuclear waste management demonstration project at the Western New York Service Center in West Valley, New York	Oct. 1, 1980	1347
96-369	*Continuing appropriations, 1981.* JOINT RESOLUTION Making continuing appropriations for the fiscal year 1981, and for other purposes	Oct. 1, 1980	1351
96-370	*Ice Age National Scenic Trail, establishment.* AN ACT To establish the Ice Age National Scenic Trail, and for other purposes	Oct. 3, 1980	1360
96-371	*National Port Week, designation authorization.* JOINT RESOLUTION Authorizing and requesting the President of the United States to issue a proclamation designating the seven calendar days beginning October 5, 1980, as "National Port Week", and for other purposes	Oct. 3, 1980	1361
96-372	*FHA and rural housing authorities, temporary extension.* JOINT RESOLUTION Providing for temporary extension of certain Federal Housing Administration authorities and for rural housing authorities	Oct. 3, 1980	1363
96-373	*Consumer Product Safety Act, amendment.* AN ACT To amend the Consumer Product Safety Act to modify certain postemployment restrictions applicable to officers and employees of the Consumer Product Safety Commission	Oct. 3, 1980	1366
96-374	*Education Amendments of 1980.* AN ACT To amend and extend the Higher Education Act of 1965, and for other purposes	Oct. 3, 1980	1367

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96–375	*Water resource development, feasibility investigations.* AN ACT To authorize the Secretary of the Interior to engage in feasibiliy investigations of certain water resource developments, and for other purposes	Oct. 3, 1980	1505
96–376	*Coast Guard, appropriation authorization.* AN ACT To authorize appropriations for the Coast Guard for fiscal year 1981, to authorize supplemental appropriations for fiscal year 1980, and for other purposes	Oct. 3, 1980	1509
96–377	*U.S. savings bonds, interest rate increase.* AN ACT To facilitate the management of the public debt by permitting an increase in the investment yield on United States savings bonds above the existing 7 per centum ceiling, and by increasing the amount of the bonds paying interest in excess of 4¼ percentum which may be outstanding	Oct. 3, 1980	1512
96–378	*Small vessels, inspection and manning.* AN ACT To amend certain inspection and manning laws applicable to small vessels carrying passengers or freight for hire, and for other purposes	Oct. 6, 1980	1513
96–379	*Dams, name changes.* AN ACT To change the name of the Los Esteros Dam (New Mexico) to the Santa Rosa Dam and Lake, and to designate Clark Hill Dam and Lake on the Savannah River, Georgia and South Carolina as "Clarks Hill Dam and Lake"	Oct. 6, 1980	1520
96–380	*Towing Safety Advisory Committee, establishment.* AN ACT To establish a Towing Safety Advisory Committee in the Department of Transportation	Oct. 6, 1980	1521
96–381	*Marine Protection, Research, and Sanctuaries Act of 1972, amendment.* AN ACT To amend section 204 of the Marine Protection, Research, and Sanctuaries Act of 1972 to authorize appropriations for title II of such Act for fiscal year 1980	Oct. 6, 1980	1523
96–382	*Maritime torts, statute of limitations.* AN ACT To provide for a uniform national three-year statute of limitations in actions to recover damages for personal injury or death, arising out of a maritime tort, and for other purposes	Oct. 6, 1980	1525
96–383	*William H. Harsha Lake and William H. Harsha Dam, designation.* AN ACT To rename a reservoir and dam in the Little Miami River Basin, Ohio, as the "William H. Harsha Lake" and the "William H. Harsha Dam"	Oct. 6, 1980	1526
96–384	*Ray Roberts Lake, designation.* AN ACT To change the name of Aubrey Lake, Texas, to Ray Roberts Lake	Oct. 6, 1980	1527
96–385	*Veterans' Disability Compensation and Housing Benefits Amendments of 1980.* AN ACT To amend title 38, United States Code, to provide cost-of-living increases in the rates of compensation for veterans with service-connected disabilities and in the rates of dependency and indemnity compensation for surviving spouses and children of veterans, to provide for limited grants for special home adaptations for certain severely disabled veterans, to provide for Veterans' Administration guaranties for loans to refinance certain existing veterans' home loans and to increase the maximum loan guaranties for home loans made to veterans, and to provide for the confidentiality of certain Veterans' Administration medical quality assurance records; and for other purposes	Oct. 7, 1980	1528
96–386	*Magnetic Fusion Energy Engineering Act of 1980.* AN ACT To provide for an accelerated program of research and development of magnetic fusion energy technologies leading to the construction and successful operation of a magnetic fusion demonstration plant in the United States before the end of the twentieth century to be carried out by the Department of Energy	Oct. 7, 1980	1539

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96-387	*Vessels, coastwise trade documentation.* AN ACT To authorize the documentation of certain vessels as vessels of the United States, and for other purposes	Oct. 7, 1980	1545
96-388	*U.S. Holocaust Memorial Council, establishment.* AN ACT To establish the United States Holocaust Memorial Council	Oct. 7, 1980	1547
96-389	*Bretton Woods Agreements Act, amendment.* AN ACT To amend the Bretton Woods Agreements Act to authorize consent to an increase in the United States quota in the International Monetary Fund, and for other purposes	Oct. 7, 1980	1551
96-390	*Bob Casey Federal Building—U.S. Courthouse, designation.* AN ACT To name a certain Federal building in Houston, Texas, the Bob Casey Federal Building—U.S. Courthouse	Oct. 7, 1980	1556
96-391	*Federal employee retirement, survivorship benefits.* AN ACT To amend title 5, United States Code, to require any Federal employee who elects at the time of retirement not to provide survivorship benefits for the employee's spouse to notify (or take all reasonable steps to notify) the spouse of that election	Oct. 7, 1980	1557
96-392	*O. C. Fisher Federal Building, designation.* AN ACT To designate the Federal Building located at 33 West Twohig, San Angelo, Texas, as the "O. C. Fisher Federal Building"	Oct. 7, 1980	1558
96-393	*Minton-Capehart Federal Building, designation.* AN ACT To name a certain Federal building in Indianapolis, Indiana, the Minton-Capehart Federal Building	Oct. 7, 1980	1559
96-394	*J. Marvin Jones Federal Building, designation.* AN ACT To designate the building known as the Federal Building and United States Courthouse in Amarillo, Texas, as the "J. Marvin Jones Federal Building"	Oct. 7, 1980	1560
96-395	*John S. Monagan Federal Building, designation.* AN ACT To designate the United States Court House and the United States Post Office Federal Building in Waterbury, Connecticut, as the "John S. Monagan Federal Building"	Oct. 7, 1980	1561
96-396	*U.S. Secret Service Uniformed Division, basic compensation adjustments.* AN ACT To amend the District of Columbia Police and Firemen's Salary Act of 1958 to provide for the same adjustments in the basic compensation of officers and members of the United States Secret Service Uniformed Division as are given to Federal employees under the General Schedule	Oct. 7, 1980	1562
96-397	*Justice Department Appropriation Authorization Act, FY 1980, authority continuation.* AN ACT To continue in effect any authority provided under the Department of Justice Appropriation Authorization Act, Fiscal Year 1980, for a certain period	Oct. 7, 1980	1563
96-398	*Mental Health Systems Act.* AN ACT To improve the provision of mental health services and otherwise promote mental health throughout the United States, and for other purposes	Oct. 7, 1980	1564
96-399	*Housing and Community Development Act of 1980.* AN ACT To amend and extend certain Federal laws relating to housing, community and neighborhood development and preservation, and related programs, and for other purposes	Oct. 8, 1980	1614
96-400	*Department of Transportation and Related Agencies Appropriation Act, 1981.* AN ACT Making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1981, and for other purposes	Oct. 9, 1980	1681

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96-401	*Northern Cheyenne Indian Reservation, leases.* AN ACT Relating to certain leases involving the Secretary of the Interior and the Northern Cheyenne Indian Reservation	Oct. 9, 1980	1701
96-402	*Uniformed Services Survivor Benefits Amendments of 1980.* AN ACT To amend title 10, United States Code, to remove certain inequities in the Survivor Benefit Plan provided for under chapter 73 of such title, and for other purposes	Oct. 9, 1980	1705
96-403	*Social security tax receipts, allocation adjustments.* AN ACT To amend title II of the Social Security Act to make necessary adjustments in the allocation of social security tax receipts between the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund	Oct. 9, 1980	1709
96-404	*Fort Berthold Reservation Tribes, damage claims against U.S.* AN ACT To authorize the Three Affiliated Tribes of the Fort Berthold Reservation to file in the Court of Claims any claims against the United States for damages for delay in payment for lands claimed to be taken in violation of the United States Constitution, and for other purposes	Oct. 9, 1980	1711
96-405	*Blackfeet and Gros Ventre Tribes, damage claims against U.S.* AN ACT To authorize the Blackfeet and Gros Ventre Tribes to file in the Court of Claims any claims against the United States for damages for delay in payment for lands claimed to be taken in violation of the United States Constitution, and for other purposes	Oct. 9, 1980	1713
96-406	*Umatilla and Wallowa National Forests, land inclusion.* AN ACT To extend the provisions of the General Exchange Act, as amended, to certain lands in order that they may become parts of the Umatilla and Wallowa National Forests, and for other purposes	Oct. 9, 1980	1715
96-407	*Hewson A. Ryan, Honorary Consul of Honduras.* AN ACT Granting the consent of the Congress to Hewson A. Ryan to accept the office and title of Honorary Consul of Honduras	Oct. 9, 1980	1717
96-408	*James M. Hanley Federal Building, designation.* AN ACT To designate the building known as United States Court House and Federal Building in Syracuse, New York, as the "James M. Hanley Federal Building"	Oct. 9, 1980	1718
96-409	*Edith Green-Wendell Wyatt Federal Building, designation.* AN ACT To designate the Federal building in Portland, Oregon the "Edith Green Federal Building"	Oct. 9, 1980	1719
96-410	*Robert N. Giaimo Federal Building, designation.* AN ACT To designate the United States Federal Building in New Haven, Connecticut, as the "Robert N. Giaimo Federal Building"	Oct. 9, 1980	1720
96-411	*James C. Cleveland Federal Building, designation.* AN ACT To redesignate the United States Post Office and Courthouse Building in Concord, New Hampshire, as the "James C. Cleveland Federal Building"	Oct. 9, 1980	1721
96-412	*Andrew W. Breidenbach Environmental Research Center, designation.* AN ACT To name the Environmental Research Center in Cincinnati, Ohio, the "Andrew W. Breidenbach Environmental Research Center"	Oct. 9, 1980	1722
96-413	*William S. Moorhead Federal Building, designation.* AN ACT To designate the United States Federal Building in Pittsburgh, Pennsylvania, as the "William S. Moorhead Federal Building"	Oct. 9, 1980	1723

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96–414	*Lord Cornwallis, observance of 200th anniversary of surrender to General George Washington; designation.* JOINT RESOLUTION Designating October 19, 1981, as a "Day of National Observance of the Two Hundreth Anniversary of the Surrender of Lord Cornwallis to General George Washington at Yorktown, Virginia"	Oct. 9, 1980	1724
96–415	*Carl Albert Indian Health Facility, designation.* AN ACT To designate the Indian Health Facility in Ada, Oklahoma, the "Carl Albert Indian Health Facility"	Oct. 9, 1980	1725
96–416	*National Agriculture Day, designation.* JOINT RESOLUTION To proclaim March 19, 1981, as "National Agriculture Day"	Oct. 9, 1980	1726
96–417	*Customs Courts Act of 1980.* AN ACT To improve the Federal judicial machinery by clarifying and revising certain provisions of title 28, United States Code, relating to the judiciary and judicial review of international trade matters, and for other purposes	Oct. 10, 1980	1727
96–418	*Military Construction Authorization Act, 1981* AN ACT To authorize certain construction at military installations for fiscal year 1981, and for other purposes	Oct. 10, 1980	1749
96–419	*National Lupus Week, designation authorization.* JOINT RESOLUTION To provide for the designation of a week as "National Lupus Week"	Oct. 10, 1980	1784
96–420	*Maine Indian Claims Settlement Act of 1980.* AN ACT To provide for the settlement of land claims of Indians, Indian nations and tribes and bands of Indians in the State of Maine, including the Passamaquoddy Tribe, the Penobscot Nation, and the Houlton Band of Maliseet Indians, and for other purposes	Oct. 10, 1980	1785
96–421	*National Patriotism Week, designation.* JOINT RESOLUTION To designate the week commencing with the third Monday in February of 1981 as "National Patriotism Week"	Oct. 10, 1980	1798
96–422	*Refugee Education Assistance Act of 1980.* AN ACT To provide general assistance to local educational agencies for the education of Cuban and Haitian refugee children, to provide special impact aid to such agencies for the education of Cuban and Haitian refugee children and Indochinese refugee children, and to provide assistance to State educational agencies for the education of Cuban and Haitian refugee adults	Oct. 10, 1980	1799
96–423	*Federal Railroad Safety Authorization Act of 1980.* AN ACT To amend the Federal Railroad Safety Act of 1970 to authorize additional appropriations, and for other purposes	Oct. 10, 1980	1811
96–424	*Refugee Education Assistance Act of 1980, provision, repeal.* AN ACT To repeal a provision of the Refugee Education Assistance Act of 1980	Oct. 10, 1980	1820
96–425	*Automobile Fuel Efficiency Act of 1980.* AN ACT To amend title V of the Motor Vehicle Information and Cost Savings Act to reduce administrative burdens on low volume automobile manufacturers, to encourage an increase of the domestic value added content in labor and materials of foreign automobiles sold in the United States, to extend the time available to all manufacturers for carryforward or carryback of credits earned under the Act, and for other purposes	Oct. 10, 1980	1821
96–426	*Frank Carlson Federal Building, designation.* AN ACT To name the Federal Building located at 444 Southeast Quincy, Topeka, Kansas, the "Frank Carlson Federal Building"	Oct. 10, 1980	1830

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96-427	*Federal Employees' Group Life Insurance Act of 1980.* AN ACT To amend chapter 87 of title 5, United States Code, to increase the amounts of regular and optional group life insurance available to Federal employees and provide optional life insurance on family members, and for other purposes	Oct. 10, 1980	1831
96-428	*Martin Luther King, Junior, National Historic Site; establishment.* AN ACT To establish the Martin Luther King, Junior, National Historic Site in the State of Georgia, and for other purposes	Oct. 10, 1980	1839
96-429	*Abraham A. Ribicoff Federal Building, designation.* AN ACT To designate the United States Federal Building in Hartford, Connecticut, as the "Abraham A. Ribicoff Federal Building"	Oct. 10, 1980	1844
96-430	*Boston African American National Historic Site, establishment.* AN ACT To provide for the establishment of the Boston African American national Historic Site in the Commonwealth of Massachusetts, and for other purposes	Oct. 10, 1980	1845
96-431	*Military leave for Federal employees.* AN ACT To amend title 5, United States Code, to provide that military leave be made available for Federal employees on a fiscal year rather than a calendar year basis, to allow certain unused leave to accumulate for subsequent use, and for other purposes	Oct. 10, 1980	1850
96-432	*U.S. Capitol grounds.* AN ACT To amend the Act of July 31, 1946, as amended, relating to the United States Capitol Grounds, and for other purposes	Oct. 10, 1980	1851
96-433	*Brokers and dealers' customers, increased protection; financial privacy, applicability to SEC.* AN ACT To amend the Securities Investor Protection Act to increase the amount of protection available under such Act to customers of brokers and dealers, and to provide for the applicability of the Right to Financial Privacy Act of 1978 to the Securities and Exchange Commission	Oct. 10, 1980	1855
96-434	*Assiniboine Tribe, claims against U.S.* AN ACT To authorize the Assiniboine Tribe to file in the Court of Claims any claims against the United States for damages for delay in payment for lands claimed to be taken in violation of the United States Constitution, and for other purposes	Oct. 10, 1980	1859
96-435	*Adams National Historic Site, Quincy, Mass.* AN ACT Authorizing the Secretary of the Interior to accept the conveyance of the United First Parish Church in Quincy, Massachusetts, and authorizing the Secretary to administer the United First Parish Church as a national historic site, and for other purposes	Oct. 10, 1980	1861
96-436	*Military Construction Appropriation Act, 1981.* AN ACT Making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1981, and for other purposes	Oct. 13, 1980	1863
96-437	*U.S. Grain Standards Act, amendment.* AN ACT To amend the United States Grain Standards Act to permit grain delivered to export elevators by any means of conveyance other than barge to be transferred into such export elevators without official weighing, and for other purposes	Oct. 13, 1980	1870
96-438	*Consolidated Farm and Rural Development Act, amendment.* AN ACT To amend the Consolidated Farm and Rural Development Act	Oct. 13, 1980	1871
96-439	*Internal Revenue Code of 1954, amendment.* AN ACT To amend the Internal Revenue Code of 1954 to authorize three additional judges for the Tax Court and to remove the age limitation on appointments to the Tax Court	Oct. 13, 1980	1878

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96–440	*Privacy Protection Act of 1980.* AN ACT To limit governmental search and seizure of documentary materials possessed by persons, to provide a remedy for persons aggrieved by violations of the provisions of this Act, and for other purposes	Oct. 13, 1980	1879
96–441	*National Collection of Fine Arts and Museum of History and Technology, name changes.* AN ACT To rename the National Collection of Fine Arts and the Museum of History and Technology of the Smithsonian Institution as the National Museum of American Art and the National Museum of American History, respectively	Oct. 13, 1980	1884
96–442	*Manassas National Battlefield Park Amendments of 1980.* AN ACT To amend the Act entitled "An Act to preserve within Manassas National Battlefield Park, Virginia, the most important historic properties relating to the battle of Manassas, and for other purposes", approved April 17, 1954 (68 Stat. 56; 16 U.S.C. 429b)	Oct. 13, 1980	1885
96–443	*Italian-American Heritage Week, designation authorization.* JOINT RESOLUTION To authorize and request the President to issue a proclamation designating October 12 through October 19, 1980, as "Italian-American Heritage Week"	Oct. 13, 1980	1888
96–444	*Certain legislative branch employees, transfer.* AN ACT To transfer certain employees of the Architect of the Capitol to the Sergeant at Arms and Doorkeeper of the Senate	Oct. 13, 1980	1889
96–445	*People's Republic of China, claim payment priorities.* AN ACT To establish priorities in the payment of claims against the People's Republic of China	Oct. 13, 1980	1891
96–446	*Disaster relief, bequests and gifts.* AN ACT To authorize the acceptance and use of bequests and gifts for disaster relief	Oct. 13, 1980	1893
96–447	*Civil Rights Commission Authorization Act of 1980.* AN ACT To amend section 106 of the Civil Rights Act of 1957 to authorize appropriations for the Commission on Civil Rights for the fiscal year 1981	Oct. 13, 1980	1894
96–448	*Staggers Rail Act of 1980.* AN ACT To reform the economic regulation of railroads, and for other purposes	Oct. 14, 1980	1895
96–449	*Hostage Relief Act of 1980.* AN ACT To provide certain benefits to individuals held hostage in Iran and to similarly situated individuals, and for other purposes	Oct. 14, 1980	1967
96–450	*Intelligence Authorization Act for Fiscal Year 1981.* AN ACT To authorize appropriations for fiscal year 1981 for the intelligence and intelligence-related activities of the United States Government, for the Intelligence Community Staff, and for the Central Intelligence Agency Retirement and Disability System, and for other purposes	Oct. 14, 1980	1975
96–451	*Federal Boat Safety Act of 1971, amendment.* AN ACT To amend the Federal Boat Safety Act of 1971 to promote recreational boating safety through the development, administration, and financing of a national recreational boating safety improvement program, and for other purposes	Oct. 14, 1980	1983
96–452	*Fifth Circuit Court of Appeals Reorganization Act of 1980.* AN ACT To amend title 28, United States Code, to divide the fifth judicial circuit of the United States into two circuits, and for other purposes	Oct. 14, 1980	1994
96–453	*Maritime Education and Training Act of 1980.* AN ACT To amend the Merchant Marine Act, 1936, to revise and reenact the laws pertaining to the United States Merchant Marine Academy and to State maritime academies and for other maritime education and training purposes	Oct. 15, 1980	1997

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96-454	*Household Goods Transportation Act of 1980.* AN ACT To reduce regulation of and increase competition in the household goods moving industry, and for other purposes	Oct. 15, 1980	2011
96-455	*Trademark Trial and Appeal Board, membership.* AN ACT To amend section 17 of the Act of July 5, 1946, as amended, entitled "An Act to provide for the registration and protection of trade-marks used in commerce, to carry out the provisions of certain international conventions, and for other purposes"	Oct. 15, 1980	2024
96-456	*Classified Information Procedures Act.* AN ACT To provide certain pretrial, trial and appellate procedures for criminal cases involving classified information	Oct. 15, 1980	2025
96-457	*Water resources research and development, authorities extension.* AN ACT To extend certain authorities of the Secretary of the Interior with respect to water resources research and development and saline water conversion research and development programs, and for other purposes	Oct. 15, 1980	2032
96-458	*Judicial Councils Reform and Judicial Conduct and Disability Act of 1980.* AN ACT To revise the composition of the judicial councils of the Federal judicial circuits, to establish a procedure for the processing of complaints against Federal judges, and for other purposes	Oct. 15, 1980	2035
96-459	*Maritime Appropriation Authorization Act for Fiscal Year 1981.* AN ACT To authorize appropriations for fiscal year 1981 and a supplemental appropriation for fiscal year 1980 for certain maritime programs of the Department of Commerce, and for other purposes	Oct. 15, 1980	2042
96-460	*Chesapeake Bay Research Coordination Act of 1980.* AN ACT To provide for the coordination of federally supported and conducted research efforts regarding the Chesapeake Bay, and for other purposes	Oct. 15, 1980	2044
96-461	*National Bureau of Standards Authorization Act for Fiscal Years 1981 and 1982.* AN ACT To authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal years 1981 and 1982, and for other purposes	Oct. 15, 1980	2049
96-462	*Federal District Court Organization Act of 1980.* AN ACT To amend title 28 to make certain changes in judicial districts and in divisions within judicial districts, and for other purposes	Oct. 15, 1980	2053
96-463	*Used Oil Recycling Act of 1980.* AN ACT To amend the Solid Waste Disposal Act to further encourage the use of recycled oil	Oct. 15, 1980	2055
96-464	*Coastal Zone Management Improvement Act of 1980.* AN ACT To improve coastal zone management in the United States, and for other purposes	Oct. 17, 1980	2060
96-465	*Foreign Service Act of 1980.* AN ACT To promote the foreign policy of the United States by strengthening and improving the Foreign Service of the United States, and for other purposes	Oct. 17, 1980	2071
96-466	*Veterans' Rehabilitation and Education Amendments of 1980.* AN ACT To amend title 38, United States Code, to provide for updated and expanded rehabilitation programs for veterans with service-connected disabilities, to provide a 10-percent increase in the rates of educational assistance under the GI bill, to make certain improvements in the educational assistance programs for veterans and eligible survivors and dependents, to revise and expand veterans' employment and training programs, and to provide for certain cost savings; and for other purposes	Oct. 17, 1980	2171
96-467	*Tariff treatment of certain articles.* AN ACT Relating to the tariff treatment of certain articles	Oct. 17, 1980	2220

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96–468	*Swine Health Protection Act.* AN ACT To regulate the feeding of garbage to swine	Oct. 17, 1980	2229
96–469	*Animal Cancer Research Act.* AN ACT To provide for research and coordination of research in the diagnosis, prevention, and control of malignant tumors in domestic animals, poultry, and wildlife	Oct. 17, 1980	2235
96–470	*Congressional Reports Elimination Act of 1980.* AN ACT To discontinue or amend certain requirements for agency reports to Congress	Oct. 19, 1980	2237
96–471	*Installment Sales Revision Act of 1980.* AN ACT To amend the Internal Revenue Code of 1954 to revise the rules relating to certain installment sales	Oct. 19, 1980	2247
96–472	*Earthquake hazards reduction and fire prevention and control programs.* AN ACT To amend the Earthquake Hazards Reduction Act of 1977 and the Federal Fire Prevention and Control Act of 1974 to authorize the appropriation of funds to the Director of the Federal Emergency Management Agency to carry out the earthquake hazards reduction program and the fire prevention and control program, and for other purposes	Oct. 19, 1980	2257
96–473	*Social Security Act, amendment.* AN ACT To amend the Social Security Act with respect to the retirement test, to reduce spending under title II of the Social Security Act, and for other purposes	Oct. 19, 1980	2263
96–474	*Kisatchie National Forest, La., land conveyance.* AN ACT To authorize the Secretary of Agriculture to convey certain Government-owned property in the Kisatchie National Forest to the State of Louisiana in exchange for certain property at old Camp Livingston, Louisiana	Oct. 19, 1980	2267
96–475	*Federal coal leases in N. Mex., exchange.* AN ACT To provide for the exchange of certain Federal coal leases in the State of New Mexico for other Federal coal leases in that State	Oct. 19, 1980	2269
96–476	*Rattlesnake National Recreation Area and Wilderness Act of 1980.* AN ACT To establish the Rattlesnake National Recreation Area and Wilderness in the State of Montana	Oct. 19, 1980	2271
96–477	*Small Business Investment Incentive Act of 1980.* AN ACT To amend the Federal securities laws to provide incentives for small business investment, and for other purposes	Oct. 21, 1980	2275
96–478	*Act to Prevent Pollution from Ships.* AN ACT To implement the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973, and for other purposes	Oct. 21, 1980	2297
96–479	*National Materials and Minerals Policy, Research and Development Act of 1980.* AN ACT To provide for a national policy for materials and to strengthen the materials research, development, production capability, and performance of the United States, and for other purposes	Oct. 21, 1980	2305
96–480	*Stevenson-Wydler Technology Innovation Act of 1980.* AN ACT To promote United States technological innovation for the achievement of national economic, environmental, and social goals, and for other purposes	Oct. 21, 1980	2311
96–481	*Small business programs and Federal litigation assistance.* AN ACT To amend the Small Business Act, to provide for the payment of the United States of certain fees and costs incurred by prevailing parties in Federal agency adjudications and in civil actions in courts of the United States, and for other purposes	Oct. 21, 1980	2321

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96-482	*Solid Waste Disposal Act Amendments of 1980.* AN ACT To amend and reauthorize the Solid Waste Disposal Act	Oct. 21, 1980	2334
96-483	*Clean Water Act, amendment.* AN ACT To extend certain authorizations in the Clean Water Act, and for other purposes	Oct. 21, 1980	2360
96-484	*Pamunkey Indian Tribe; land dispute with Southern Railway Co.* AN ACT To ratify a settlement agreement in a land dispute between the Pamunkey Indian Tribe and the Southern Railway Company, and for other purposes	Nov. 24, 1980	2365
96-485	*National Family Week, designation authorization.* JOINT RESOLUTION To authorize the President to issue a proclamation designating the week of November 23 through 29, 1980, as "National Family Week"	Nov. 26, 1980	2368
96-486	*Federal Question Jurisdictional Amendments Act of 1980.* AN ACT To eliminate the amount in controversy requirement for Federal question jurisdiction	Dec. 1, 1980	2369
96-487	*Alaska National Interest Lands Conservation Act.* AN ACT To provide for the designation and conservation of certain public lands in the the State of Alaska, including the designation of units of the National Park, National Wildlife Refuge, National Forest, National Wild and Scenic Rivers, and National Wilderness Preservation Systems, and for other purposes	Dec. 2, 1980	2371
96-488	*U.S.S. Intrepid, transfer to museum.* AN ACT To allow the obsolete aircraft carrier United States ship Intrepid to be transferred to the Intrepid Museum Foundation, Incorporated, before the expiration of the otherwise applicable sixty-day congressional review period	Dec. 2, 1980	2552
96-489	*Skiing and winter recreational activities, safety promotion.* AN ACT To promote safety and health in skiing and other outdoor winter recreational activities	Dec. 2, 1980	2553
96-490	*Customs valuation; trade agreement protocol, approval and implementation.* AN ACT To approve and implement the protocol to the trade agreement relating to customs valuation, and for other purposes	Dec. 2, 1980	2556
96-491	*Moapa Band of Paiutes, lands in trust.* AN ACT To provide for certain lands to be held in trust for the Moapa Band of Paiute and to be considered to be part of the Moapa Indian Reservation	Dec. 2, 1980	2561
96-492	*Ute Mountain Ute Tribe, land conveyance.* AN ACT To require the Secretary of the Interior to convey a parcel of land located in Colorado and certain mineral interests to the Ute Mountain Ute Tribe and to pay an amount to such tribe for energy development	Dec. 2, 1980	2565
96-493	*Gasohol Competition Act of 1980.* AN ACT To amend the Clayton Act to prohibit restrictions on the use of credit instruments in the purchase of gasohol	Dec. 2, 1980	2568
96-494	*Agricultural Act of 1980.* AN ACT To increase the minimum price support loan rates for wheat, feed grains, and soybeans, to improve the farmer-held reserve program for wheat and feed grains, to establish a five-year food security wheat reserve, and for other purposes	Dec. 3, 1980	2570
96-495	*Suisun Marsh Preservation and Restoration Act of 1979.* AN ACT To provide for a cooperative agreement between the Secretary of the Interior and the State of California to improve and manage the Suisun Marsh in California	Dec. 3, 1980	2581

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96–496	*Arts and Humanities Act of 1980.* AN ACT To amend the National Foundation on the Arts and the Humanities Act of 1965 and the Museum Services Act to extend the authorizations of appropriations contained in such Acts, to amend the Arts and Artifacts Indemnity Act to make certain changes in the coverage provisions of such Act, and for other purposes	Dec. 4, 1980	2583
96–497	*Gold Star Wives of America, Federal charter.* AN ACT To incorporate the Gold Star Wives of America	Dec. 4, 1980	2595
96–498	*Jacob K. Javits Federal Building, designation.* AN ACT To designate the Jacob K. Javits Federal Building	Dec. 4, 1980	2598
96–499	*Omnibus Reconciliation Act of 1980.* AN ACT To provide for reconciliation pursuant to section 3 of the First Concurrent Resolution on the Budget for the fiscal year 1981	Dec. 5, 1980	2599
96–500	*Federal employees disability determinations, review.* AN ACT To amend title 5, United States Code, to permit Federal employees to obtain review of certain disability determinations made by the Office of Personnel Management under the civil service retirements and disability system	Dec. 5, 1980	2696
96–501	*Pacific Northwest Electric Power Planning and Conservation Act.* AN ACT To assist the electrical consumers of the Pacific Northwest through use of the Federal Columbia River Power System to achieve cost-effective energy conservation, to encourage the development of renewable energy resources, to establish a representative regional power planning process, to assure the region of an efficient and adequate power supply, and for other purposes	Dec. 5, 1980	2697
96–502	*Safe Drinking Water Act, amendment.* AN ACT To amend the Safe Drinking Water Act, and for other purposes	Dec. 5, 1980	2737
96–503	*Former Vice President or spouse, Secret Service protection.* JOINT RESOLUTION To authorize the United States Secret Service to continue to furnish protection to the former Vice President or his spouse	Dec. 5, 1980	2740
96–504	*Employment as U.S. justice or judge, annuity payment discontinuance.* AN ACT To amend chapter 83 of title 5, United States Code, to discontinue civil service annuity payments for periods of employment as a justice or judge of the United States, and for other purposes	Dec. 5, 1980	2741
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Public Law 96-501
96th Congress

An Act

Dec. 5, 1980
[S. 885]

To assist the electrical consumers of the Pacific Northwest through use of the Federal Columbia River Power System to achieve cost-effective energy conservation, to encourage the development of renewable energy resources, to establish a representative regional power planning process, to assure the region of an efficient and adequate power supply, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Pacific Northwest Electric Power Planning and Conservation Act.
16 USC 839 note.

SHORT TITLE AND TABLE OF CONTENTS

SECTION 1. This Act, together with the following table of contents, may be cited as the "Pacific Northwest Electric Power Planning and Conservation Act".

TABLE OF CONTENTS

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PURPOSES

16 USC 839.

SEC. 2. The purposes of this Act, together with the provisions of other laws applicable to the Federal Columbia River Power System, are all intended to be construed in a consistent manner. Such purposes are also intended to be construed in a manner consistent with applicable environmental laws. Such purposes are:

(1) to encourage, through the unique opportunity provided by the Federal Columbia River Power System—

(A) conservation and efficiency in the use of electric power, and

(B) the development of renewable resources within the Pacific Northwest;

(2) to assure the Pacific Northwest of an adequate, efficient, economical, and reliable power supply;

(3) to provide for the participation and consultation of the Pacific Northwest States, local governments, consumers, customers, users of the Columbia River System (including Federal and State fish and wildlife agencies and appropriate Indian tribes), and the public at large within the region in—

(A) the development of regional plans and programs related to energy conservation, renewable resources, other resources, and protecting, mitigating, and enhancing fish and wildlife resources,

(B) facilitating the orderly planning of the region's power system, and

(C) providing environmental quality;

(4) to provide that the customers of the Bonneville Power Administration and their consumers continue to pay all costs necessary to produce, transmit, and conserve resources to meet the region's electric power requirements, including the amortization on a current basis of the Federal investment in the Federal Columbia River Power System;

(5) to insure, subject to the provisions of this Act—

(A) that the authorities and responsibilities of State and local governments, electric utility systems, water management agencies, and other non-Federal entities for the regulation, planning, conservation, supply, distribution, and use of electric power shall be construed to be maintained, and

(B) that Congress intends that this Act not be construed to limit or restrict the ability of customers to take actions in accordance with other applicable provisions of Federal or State law, including, but not limited to, actions to plan, develop, and operate resources and to achieve conservation, without regard to this Act; and

(6) to protect, mitigate and enhance the fish and wildlife, including related spawning grounds and habitat, of the Columbia River and its tributaries, particularly anadromous fish which are of significant importance to the social and economic well-being of the Pacific Northwest and the Nation and which are dependent on suitable environmental conditions substantially obtainable from the management and operation of the Federal Columbia River Power System and other power generating facilities on the Columbia River and its tributaries.

DEFINITIONS

16 USC 839a.

SEC. 3. As used in this Act, the term—

(1) "Acquire" and "acquisition" shall not be construed as authorizing the Administrator to construct, or have ownership of, under this Act or any other law, any electric generating facility.

(2) "Administrator" means the Administrator of the Bonneville Power Administration.

(3) "Conservation" means any reduction in electric power consumption as a result of increases in the efficiency of energy use, production, or distribution.

(4)(A) "Cost-effective", when applied to any measure or resource referred to in this Act, means that such measure or resource must be forecast—

(i) to be reliable and available within the time it is needed, and

(ii) to meet or reduce the electric power demand, as determined by the Council or the Administrator, as appropriate, of the consumers of the customers at an estimated incremental system cost no greater than that of the least-cost similarly reliable and available alternative measure or resource, or any combination thereof.

(B) For purposes of this paragraph, the term "system cost" means an estimate of all direct costs of a measure or resource over its effective life, including, if applicable, the cost of distribution and transmission to the consumer and, among other factors, waste disposal costs, end-of-cycle costs, and fuel costs (including projected increases), and such quantifiable environmental costs and benefits as the Administrator determines, on the basis of a methodology developed by the Council as part of the plan, or in the absence of the plan by the Administrator, are directly attributable to such measure or resource.

(C) In determining the amount of power that a conservation measure or other resource may be expected to save or to produce, the Council or the Administrator, as the case may be, shall take into account projected realization factors and plant factors, including appropriate historical experience with similar measures or resources.

(D) For purposes of this paragraph, the "estimated incremental system cost" of any conservation measure or resource shall not be treated as greater than that of any nonconservation measure or resource unless the incremental system cost of such conservation measure or resource is in excess of 110 per centum of the incremental system cost of the nonconservation measure or resource.

(5) "Consumer" means any end user of electric power.

(6) "Council" means, unless otherwise specifically provided, the members appointed to the Pacific Northwest Electric Power and Conservation Planning Council established pursuant to section 4.

(7) "Customer" means anyone who contracts for the purchase of power from the Administrator pursuant to this Act.

(8) "Direct service industrial customer" means an industrial customer that contracts for the purchase of power from the Administrator for direct consumption.

(9) "Electric power" means electric peaking capacity, or electric energy, or both.

(10) "Federal base system resources" means—

(A) the Federal Columbia River Power System hydroelectric projects;

(B) resources acquired by the Administrator under long-term contracts in force on the effective date of this Act; and

(C) resources acquired by the Administrator in an amount necessary to replace reductions in capability of the resources referred to in subparagraphs (A) and (B) of this paragraph.

(11) "Indian tribe" means any Indian tribe or band which is located in whole or in part in the region and which has a governing body which is recognized by the Secretary of the Interior.

(12) "Major resource" means any resource that—

(A) has a planned capability greater than fifty average megawatts, and

(B) if acquired by the Administrator, is acquired for a period of more than five years.

Such term does not include any resource acquired pursuant to section 11(b)(6) of the Federal Columbia River Transmission System Act. 16 USC 838i.

(13) "New large single load" means any load associated with a new facility, an existing facility, or an expansion of an existing facility—

(A) which is not contracted for, or committed to, as determined by the Administrator, by a public body, cooperative, investor-owned utility, or Federal agency customer prior to September 1, 1979, and

(B) which will result in an increase in power requirements of such customer of ten average megawatts or more in any consecutive twelve-month period.

(14) "Pacific Northwest", "region", or "regional" means—

(A) the area consisting of the States of Oregon, Washington, and Idaho, the portion of the State of Montana west of the Continental Divide, and such portions of the States of Nevada, Utah, and Wyoming as are within the Columbia River drainage basin; and

(B) any contiguous areas, not in excess of seventy-five air miles from the area referred to in subparagraph (A), which are a part of the service area of a rural electric cooperative customer served by the Administrator on the effective date of this Act which has a distribution system from which it serves both within and without such region.

(15) "Plan" means the Regional Electric Power and Conservation plan (including any amendments thereto) adopted pursuant to this Act and such plan shall apply to actions of the Administrator as specified in this Act.

(16) "Renewable resource" means a resource which utilizes solar, wind, hydro, geothermal, biomass, or similar sources of energy and which either is used for electric power generation or will reduce the electric power requirements of a consumer, including by direct application.

(17) "Reserves" means the electric power needed to avert particular planning or operating shortages for the benefit of firm power customers of the Administrator and available to the Administrator (A) from resources or (B) from rights to interrupt, curtail, or otherwise withdraw, as provided by specific contract provisions, portions of the electric power supplied to customers.

(18) "Residential use" or "residential load" means all usual residential, apartment, seasonal dwelling and farm electrical loads or uses, but only the first four hundred horsepower during any monthly billing period of farm irrigation and pumping for any farm.

(19) "Resource" means—

(A) electric power, including the actual or planned electric power capability of generating facilities, or

(B) actual or planned load reduction resulting from direct application of a renewable energy resource by a consumer, or from a conservation measure.

(20) "Secretary" means the Secretary of Energy.

REGIONAL PLANNING AND PARTICIPATION

Pacific Northwest Electric Power and Conservation Planning Council, establishment. 16 USC 839b.

SEC. 4. (a)(1) The purposes of this section are to provide for the prompt establishment and effective operation of the Pacific Northwest Electric Power and Conservation Planning Council, to further the purposes of this Act by the Council promptly preparing and adopting (A) a regional conservation and electric power plan and (B) a program to protect, mitigate, and enhance fish and wildlife, and to otherwise expeditiously and effectively carry out the Council's responsibilities and functions under this Act.

(2) To achieve such purposes and facilitate cooperation among the States of Idaho, Montana, Oregon, and Washington, and with the Bonneville Power Administration, the consent of Congress is given for an agreement described in this paragraph and not in conflict with this Act, pursuant to which—

(A) there shall be established a regional agency known as the "Pacific Northwest Electric Power and Conservation Planning Council" which (i) shall have its offices in the Pacific Northwest, (ii) shall carry out its functions and responsibilities in accordance with the provisions of this Act, (iii) shall continue in force and effect in accordance with the provisions of this Act, and (iv) except as otherwise provided in this Act, shall not be considered an agency or instrumentality of the United States for the purpose of any Federal law; and

(B) two persons from each State may be appointed, subject to the applicable laws of each such State, to undertake the functions and duties of members of the Council. Members, appointment.

The State may fill any vacancy occurring prior to the expiration of the term of any member. The appointment of six initial members, subject to applicable State law, by June 30, 1981, by at least three of such States shall constitute an agreement by the States establishing the Council and such agreement is hereby consented to by the Congress. Upon request of the Governors of two of the States, the Secretary shall extend the June 30, 1981, date for six additional months to provide more time for the States to make such appointments.

Terms of office.

(3) Except as otherwise provided by State law, each member appointed to the Council shall serve for a term of three years, except that, with respect to members initially appointed, each Governor shall designate one member to serve a term of two years and one member to serve a term of three years. The members of the Council shall select from among themselves a chairman. The members and officers and employees of the Council shall not be deemed to be officers or employees of the United States for any purpose. The Council shall appoint, fix compensation, and assign and delegate duties to such executive and additional personnel as the Council deems necessary to fulfill its functions under this Act, taking into account such information and analyses as are, or are likely to be, available from other sources pursuant to provisions of this Act. The compensation of the members shall be fixed by State law. The compensation of the members and officers shall not exceed the rate prescribed for Federal officers and positions at step 1 of level GS-18 of the General Schedule.

Compensation.

5 USC 5332 note.

(4) For the purpose of providing a uniform system of laws, in addition to this Act, applicable to the Council relating to the making of contracts, conflicts-of-interest, financial disclosure, open meetings of the Council, advisory committees, disclosure of information, judicial review of Council functions and actions under this Act, and related matters, the Federal laws applicable to such matters in the case of the Bonneville Power Administration shall apply to the Council to the extent appropriate, except that with respect to open meetings, the Federal laws applicable to open meetings in the case of the Federal Energy Regulatory Commission shall apply to the Council to the extent appropriate. In applying the Federal laws applicable to financial disclosure under the preceding sentence, such laws shall be applied to members of the Council without regard to the duration of their service on the Council or the amount of compensation received for such service. No contract, obligation, or other action of the Council shall be construed as an obligation of the United States or an obligation secured by the full faith and credit of the United States. For the purpose of judicial review of any action of the Council or challenging any provision of this Act relating to functions and responsibilities of the Council, notwithstanding any other provision

of law, the courts of the United States shall have exclusive jurisdiction of any such review.

(b)(1) If the Council is not established and its members are not timely appointed in accordance with subsection (a) of this section, or if, at any time after such Council is established and its members are appointed in accordance with subsection (a)—

(A) any provision of this Act relating to the establishment of the Council or to any substantial function or responsibility of the Council (including any function or responsibility under subsection (d) or (h) of this section or under section 6(c) of this Act) is held to be unlawful by a final determination of any Federal court, or

(B) the plan or any program adopted by such Council under this section is held by a final determination of such a court to be ineffective by reason of subsection (a)(2)(B),

the Secretary shall establish the Council pursuant to this subsection as a Federal agency. The Secretary shall promptly publish a notice thereof in the Federal Register and notify the Governors of each of the States referred to in subsection (a) of this section.

Notice, publication in Federal Register.

(2) As soon as practicable, but not more than thirty days after the publication of the notice referred to in paragraph (1) of this subsection, and thereafter within forty-five days after a vacancy occurs, the Governors of the States of Washington, Oregon, Idaho, and Montana may each (under applicable State laws, if any) provide to the Secretary a list of nominations from such State for each of the State's positions to be selected for such Council. The Secretary may extend this time an additional thirty days. The list shall include at least two persons for each such position. The list shall include such information about such nominees as the Secretary may request. The Secretary shall appoint the Council members from each Governor's list of nominations for each State's positions, except that the Secretary may decline to appoint for any reason any of a Governor's nominees for a position and shall so notify the Governor. The Governor may thereafter make successive nominations within forty-five days of receipt of such notice until nominees acceptable to the Secretary are appointed for each position. In the event the Governor of any such State fails to make the required nominations for any State position on such Council within the time specified for such nominations, the Secretary shall select from such State and appoint the Council member or members for such position. The members of the Council shall select from among themselves one member of the Council as Chairman.

Compensation.

5 USC 5332 note.

(3) The members of the Council established by this subsection who are not employed by the United States or a State shall receive compensation at a rate equal to the rate prescribed for offices and positions at level GS-18 of the General Schedule for each day such members are engaged in the actual performance of duties as members of such Council, except that no such member may be paid more in any calendar year than an officer or employee at step 1 of level GS-18 is paid during such year. Members of such Council shall be considered officers or employees of the United States for purposes of title II of the Ethics in Government Act of 1978 (5 U.S.C. app.) and shall also be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed expenses under section 5703 of title 5 of the United States Code. Such Council may appoint, and assign duties to, an executive director who shall serve at the pleasure of such Council and who shall be compensated at the rate established for GS-18 of the General Schedule. The executive director shall

Executive director.

exercise the powers and duties delegated to such director by such Council, including the power to appoint and fix compensation of additional personnel in accordance with applicable Federal law to carry out the functions and responsibilities of such Council.

Funds, documents and equipment, transfer.

(4) When a Council is established under this subsection after a Council was established pursuant to subsection (a) of this section, the Secretary shall provide, to the greatest extent feasible, for the transfer to the Council established by this subsection of all funds, books, papers, documents, equipment, and other matters in order to facilitate the Council's capability to achieve the requirements of subsections (d) and (h) of this section. In order to carry out its functions and responsibilities under this Act expeditiously, the Council shall take into consideration any actions of the Council under subsection (a) and may review, modify, or confirm such actions without further proceedings.

Termination.

(5)(A) At any time beginning one year after the plan referred to in such subsection (d) and the program referred to in such subsection (h) of this section are both finally adopted in accordance with this Act, the Council established pursuant to this subsection shall be terminated by the Secretary 90 days after the Governors of three of the States referred to in this subsection jointly provide for any reason to the Secretary a written request for such termination. Except as provided in subparagraph (B), upon such termination all functions and responsibilities of the Council under this Act shall also terminate.

Transfer of functions.

(B) Upon such termination of the Council, the functions and responsibilities of the Council set forth in subsection (h) of this section shall be transferred to, and continue to be funded and carried out, jointly, by the Administrator, the Secretary of the Interior, and the Administrator of the National Marine Fisheries Service, in the same manner and to the same extent as required by such subsection and in cooperation with the Federal and the region's State fish and wildlife agencies and Indian tribes referred to in subsection (h) of this section and the Secretary shall provide for the transfer to them of all records, books, documents, funds, and personnel of such Council that relate to subsection (h) matters. In order to carry out such functions and responsibilities expeditiously, the Administrator, the Secretary of the Interior, and the Administrator of the National Marine Fisheries Service shall take into consideration any actions of the Council under this subsection, and may review, modify, or confirm such actions without further proceedings. In the event the Council is terminated pursuant to this paragraph, whenever any action of the Administrator requires any approval or other action by the Council, the Administrator may take such action without such approval or action, except that the Administrator may not implement any proposal to acquire a major generating resource or to grant billing credits involving a major generating resource until the expenditure of funds for that purpose is specifically authorized by Act of Congress enacted after such termination.

(c)(1) The provisions of this subsection shall, except as specifically provided in this subsection, apply to the Council established pursuant to either subsection (a) or (b) of this section.

Quorum.

(2) A majority of the members of the Council shall constitute a quorum. Except as otherwise provided specifically in this Act, all actions and decisions of the Council shall be by majority vote of the members present and voting. The plan or any part thereof and any amendment thereto shall not be approved unless such plan or amendment receives the votes of—

(A) a majority of the members appointed to the Council, including the vote of at least one member from each State with members on the Council; or

(B) at least six members of the Council.

Council meeting.

(3) The Council shall meet at the call of the Chairman or upon the request of any three members of the Council. If any member of the Council disagrees with respect to any matter transmitted to any Federal or State official or any other person or wishes to express additional views concerning such matter, such member may submit a statement to accompany such matter setting forth the reasons for such disagreement or views.

Annual work program budget, availability.

(4) The Council shall determine its organization and prescribe its practices and procedures for carrying out its functions and responsibilities under this Act. The Council shall make available to the public a statement of its organization, practices, and procedures, and make available to the public its annual work program budget at the time the President submits his annual budget to Congress.

Personnel detail.

(5) Upon request of the Council established pursuant to subsection (b) of this section, the head of any Federal agency is authorized to detail or assign to the Council, on a reimbursable basis, any of the personnel of such agency to assist the Council in the performance of its functions under this Act.

Administrative services.

(6) At the Council's request, the Administrator of the General Services Administration shall furnish the Council established pursuant to subsection (b) of this section with such offices, equipment, supplies, and services in the same manner and to the same extent as such Administrator is authorized to furnish to any other Federal agency or instrumentality such offices, supplies, equipment, and services.

Information to Congress.

(7) Upon the request of the Congress or any committee thereof, the Council shall promptly provide to the Congress, or to such committee, any record, report, document, material, and other information which is in the possession of the Council.

(8) To obtain such information and advice as the Council determines to be necessary or appropriate to carry out its functions and responsibilities pursuant to this Act, the Council shall, to the greatest extent practicable, solicit engineering, economic, social, environmental, and other technical studies from customers of the Administrator and from other bodies or organizations in the region with particular expertise.

(9) The Administrator and other Federal agencies, to the extent authorized by other provisions of law, shall furnish the Council all information requested by the Council as necessary for performance of its functions, subject to such requirements of law concerning trade secrets and proprietary data as may be applicable.

Compensation and other expenses, payment.

(10)(A) At the request of the Council, the Administrator shall pay from funds available to the Administrator the compensation and other expenses of the Council as are authorized by this Act, including the reimbursement of those States with members on the Council for services and personnel to assist in preparing a plan pursuant to subsection (d) and a program pursuant to subsection (h) of this section, as the Council determines are necessary or appropriate for the performance of its functions and responsibilities. Such payments shall be included by the Administrator in his annual budgets submitted to Congress pursuant to the Federal Columbia River Transmission System Act and shall be subject to the requirements of that Act, including the audit requirements of section 11(d) of such Act. The records, reports, and other documents of the Council shall be availa-

16 USC 838 note.
16 USC 838i.
Document review.

ble to the Comptroller General for review in connection with such audit or other review and examination by the Comptroller General pursuant to other provisions of law applicable to the Comptroller General. Funds provided by the Administrator for such payments shall not exceed annually an amount equal to 0.02 mill multiplied by the kilowatt hours of firm power forecast to be sold by the Administrator during the year to be funded. In order to assist the Council's initial organization, the Administrator after the enactment of this Act shall promptly prepare and propose an amended annual budget to expedite payment for Council activities.

(B) Notwithstanding the limitation contained in the fourth sentence of subparagraph (A) of this paragraph, upon an annual showing by the Council that such limitation will not permit the Council to carry out its functions and responsibilities under this Act the Administrator may raise such limit up to any amount not in excess of 0.10 mill multiplied by the kilowatt hours of firm power forecast to be sold by the Administrator during the year to be funded.

Voluntary scientific and statistical advisory committee, establishment.

(11) The Council shall establish a voluntary scientific and statistical advisory committee to assist in the development, collection, and evaluation of such statistical, biological, economic, social, environmental, and other scientific information as is relevant to the Council's development and amendment of a regional conservation and electric power plan.

(12) The Council may establish such other voluntary advisory committees as it determines are necessary or appropriate to assist it in carrying out its functions and responsibilities under this Act.

(13) The Council shall ensure that the membership for any advisory committee established or formed pursuant to this section shall, to the extent feasible, include representatives of, and seek the advice of, the Federal, and the various regional, State, local, and Indian Tribal Governments, consumer groups, and customers.

Conservation and electric power plan, transmittal to Administrator.

(d)(1) Within two years after the Council is established and the members are appointed pursuant to subsection (a) or (b) of this section, the Council shall prepare, adopt, and promptly transmit to the Administrator a regional conservation and electric power plan. The adopted plan, or any portion thereof, may be amended from time to time, and shall be reviewed by the Council not less frequently than once every five years. Prior to such adoption, public hearings shall be held in each Council member's State on the plan or substantial, nontechnical amendments to the plan proposed by the Council for adoption. A public hearing shall also be held in any other State of the region on the plan or amendments thereto, if the Council determines that the plan or amendments would likely have a substantial impact on that State in terms of major resources which may be developed in that State and which the Administrator may seek to acquire. Action of the Council under this subsection concerning such hearings shall be subject to section 553 of title 5, United States Code and such procedure as the Council shall adopt.

Hearings.

(2) Following adoption of the plan and any amendment thereto, all actions of the Administrator pursuant to section 6 of this Act shall be consistent with the plan and any amendment thereto, except as otherwise specifically provided in this Act.

(e)(1) The plan shall, as provided in this paragraph, give priority to resources which the Council determines to be cost-effective. Priority shall be given: first, to conservation; second, to renewable resources; third, to generating resources utilizing waste heat or generating resources of high fuel conversion efficiency; and fourth, to all other resources.

(2) The plan shall set forth a general scheme for implementing conservation measures and developing resources pursuant to section 6 of this Act to reduce or meet the Administrator's obligations with due consideration by the Council for (A) environmental quality, (B) compatibility with the existing regional power system, (C) protection, mitigation, and enhancement of fish and wildlife and related spawning grounds and habitat, including sufficient quantities and qualities of flows for successful migration, survival, and propagation of anadromous fish, and (D) other criteria which may be set forth in the plan.

(3) To accomplish the priorities established by this subsection, the plan shall include the following elements which shall be set forth in such detail as the Council determines to be appropriate:

(A) an energy conservation program to be implemented under this Act, including, but not limited to, model conservation standards;

(B) recommendation for research and development;

(C) a methodology for determining quantifiable environmental costs and benefits under section 3(4);

(D) a demand forecast of at least twenty years (developed in consultation with the Administrator, the customers, the States, including State agencies with ratemaking authority over electric utilities, and the public, in such manner as the Council deems appropriate) and a forecast of power resources estimated by the Council to be required to meet the Administrator's obligations and the portion of such obligations the Council determines can be met by resources in each of the priority categories referred to in paragraph (1) of this subsection which forecast (i) shall include regional reliability and reserve requirements, (ii) shall take into account the effect, if any, of the requirements of subsection (h) on the availability of resources to the Administrator, and (iii) shall include the approximate amounts of power the Council recommends should be acquired by the Administrator on a long-term basis and may include, to the extent practicable, an estimate of the types of resources from which such power should be acquired;

(E) an analysis of reserve and reliability requirements and cost-effective methods of providing reserves designed to insure adequate electric power at the lowest probable cost;

(F) the program adopted pursuant to subsection (h); and

(G) if the Council recommends surcharges pursuant to subsection (f) of this section, a methodology for calculating such surcharges.

Studies.

(4) The Council, taking into consideration the requirement that it devote its principal efforts to carrying out its responsibilities under subsections (d) and (h) of this section, shall undertake studies of conservation measures reasonably available to direct service industrial customers and other major consumers of electric power within the region and make an analysis of the estimated reduction in energy use which would result from the implementation of such measures as rapidly as possible, consistent with sound business practices. The Council shall consult with such customers and consumers in the conduct of such studies.

Model conservation standards.

(f)(1) Model conservation standards to be included in the plan shall include, but not be limited to, standards applicable to (A) new and existing structures, (B) utility, customer, and governmental conservation programs, and (C) other consumer actions for achieving conservation. Model conservation standards shall reflect geographic and climatic differences within the region and other appropriate considerations, and shall be designed to produce all power savings that are cost-effective for the region and economically feasible for consumers, taking into account financial assistance made available to consumers under section 6(a) of this Act. These model conservation standards shall be adopted by the Council and included in the plan after consultation, in such manner as the Council deems appropriate, with the Administrator, States, and political subdivisions, customers of the Administrator, and the public.

Surcharge.

(2) The Council by a majority vote of the members of the Council is authorized to recommend to the Administrator a surcharge and the Administrator may thereafter impose such a surcharge, in accordance with the methodology provided in the plan, on customers for those portions of their loads within the region that are within States or political subdivisions which have not, or on the Administrator's customers which have not, implemented conservation measures that achieve energy savings which the Administrator determines are comparable to those which would be obtained under such standards. Such surcharges shall be established to recover such additional costs as the Administrator determines will be incurred because such projected energy savings attributable to such conservation measures have not been achieved, but in no case may such surcharges be less than 10 per centum or more than 50 per centum of the Administrator's applicable rates for such load or portion thereof.

(g)(1) To insure widespread public involvement in the formulation of regional power policies, the Council and Administrator shall maintain comprehensive programs to—

(A) inform the Pacific Northwest public of major regional power issues,

(B) obtain public views concerning major regional power issues, and

(C) secure advice and consultation from the Administrator's customers and others.

(2) In carrying out the provisions of this section, the Council and the Administrator shall—

(A) consult with the Administrator's customers;

(B) include the comments of such customers in the record of the Council's proceedings; and

(C) recognize and not abridge the authorities of State and local governments, electric utility systems, and other non-Federal entities responsible to the people of the Pacific Northwest for the planning, conservation, supply, distribution, and use of electric power and the operation of electric generating facilities.

Contracts.

(3) In the preparation, adoption, and implementation of the plan, the Council and the Administrator shall encourage the cooperation, participation, and assistance of appropriate Federal agencies, State entities, State political subdivisions, and Indian tribes. The Council and the Administrator are authorized to contract, in accordance with applicable law, with such agencies, entities, tribes, and subdivisions individually, in groups, or through associations thereof to (A) investigate possible measures to be included in the plan, (B) provide public involvement and information regarding a proposed plan or amendment thereto, and (C) provide services which will assist in the implementation of the plan. In order to assist in the implementation of the plan, particularly conservation, renewable resource, and fish and wildlife activities, the Administrator, when requested and subject to available funds, may provide technical assistance in establishing conservation, renewable resource, and fish and wildlife objectives by individual States or subdivisions thereof or Indian tribes. Such objectives, if adopted by a State or subdivision thereof or Indian

Technical assistance.

tribes, may be submitted to the Council and the Administrator for review, and upon approval by the Council, may be incorporated as part of the plan.

Fish and wildlife protection program.

(h)(1)(A) The Council shall promptly develop and adopt, pursuant to this subsection, a program to protect, mitigate, and enhance fish and wildlife, including related spawning grounds and habitat, on the Columbia River and its tributaries. Because of the unique history, problems, and opportunities presented by the development and operation of hydroelectric facilities on the Columbia River and its tributaries, the program, to the greatest extent possible, shall be designed to deal with that river and its tributaries as a system.

(B) This subsection shall be applicable solely to fish and wildlife, including related spawning grounds and habitat, located on the Columbia River and its tributaries. Nothing in this subsection shall alter, modify, or affect in any way the laws applicable to rivers or river systems, including electric power facilities related thereto, other than the Columbia River and its tributaries, or affect the rights and obligations of any agency, entity, or person under such laws.

(2) The Council shall request, in writing, promptly after the Council is established under either section 4(a) or 4(b) of this Act and prior to the development or review of the plan, or any major revision thereto, from the Federal, and the region's State, fish and wildlife agencies and from the region's appropriate Indian tribes, recommendations for—

(A) measures which can be expected to be implemented by the Administrator, using authorities under this Act and other laws, and other Federal agencies to protect, mitigate, and enhance fish and wildlife, including related spawning grounds and habitat, affected by the development and operation of any hydroelectric project on the Columbia River and its tributaries;

(B) establishing objectives for the development and operation of such projects on the Columbia River and its tributaries in a manner designed to protect, mitigate, and enhance fish and wildlife; and

(C) fish and wildlife management coordination and research and development (including funding) which, among other things, will assist protection, mitigation, and enhancement of anadromous fish at, and between, the region's hydroelectric dams.

(3) Such agencies and tribes shall have 90 days to respond to such request, unless the Council extends the time for making such recommendations. The Federal, and the region's, water management agencies, and the region's electric power producing agencies, customers, and public may submit recommendations of the type referred to in paragraph (2) of this subsection. All recommendations shall be accompanied by detailed information and data in support of the recommendations.

(4)(A) The Council shall give notice of all recommendations and shall make the recommendations and supporting documents available to the Administrator, to the Federal, and the region's, State fish and wildlife agencies, to the appropriate Indian tribes, to Federal agencies responsible for managing, operating, or regulating hydroelectric facilities located on the Columbia River or its tributaries, and to any customer or other electric utility which owns or operates any such facility. Notice shall also be given to the public. Copies of such recommendations and supporting documents shall be made available for review at the offices of the Council and shall be available for reproduction at reasonable cost.

Written and oral comments.

(B) The Council shall provide for public participation and comment regarding the recommendations and supporting documents, including an opportunity for written and oral comments, within such reasonable time as the Council deems appropriate.

(5) The Council shall develop a program on the basis of such recommendations, supporting documents, and views and information obtained through public comment and participation, and consultation with the agencies, tribes, and customers referred to in subparagraph (A) of paragraph (4). The program shall consist of measures to protect, mitigate, and enhance fish and wildlife affected by the development, operation, and management of such facilities while assuring the Pacific Northwest an adequate, efficient, economical, and reliable power supply. Enhancement measures shall be included in the program to the extent such measures are designed to achieve improved protection and mitigation.

(6) The Council shall include in the program measures which it determines, on the basis set forth in paragraph (5), will—

(A) complement the existing and future activities of the Federal and the region's State fish and wildlife agencies and appropriate Indian tribes;

(B) be based on, and supported by, the best available scientific knowledge;

(C) utilize, where equally effective alternative means of achieving the same sound biological objective exist, the alternative with the minimum economic cost;

(D) be consistent with the legal rights of appropriate Indian tribes in the region; and

(E) in the case of anadromous fish—

(i) provide for improved survival of such fish at hydroelectric facilities located on the Columbia River system; and

(ii) provide flows of sufficient quality and quantity between such facilities to improve production, migration, and survival of such fish as necessary to meet sound biological objectives.

(7) The Council shall determine whether each recommendation received is consistent with the purposes of this Act. In the event such recommendations are inconsistent with each other, the Council, in consultation with appropriate entities, shall resolve such inconsistency in the program giving due weight to the recommendations, expertise, and legal rights and responsibilities of the Federal and the region's State fish and wildlife agencies and appropriate Indian tribes. If the Council does not adopt any recommendation of the fish and wildlife agencies and Indian tribes as part of the program or any other recommendation, it shall explain in writing, as part of the program, the basis for its finding that the adoption of such recommendation would be—

(A) inconsistent with paragraph (5) of this subsection;

(B) inconsistent with paragraph (6) of this subsection; or

(C) less effective than the adopted recommendations for the protection, mitigation, and enhancement of fish and wildlife.

(8) The Council shall consider, in developing and adopting a program pursuant to this subsection, the following principles:

(A) Enhancement measures may be used, in appropriate circumstances, as a means of achieving offsite protection and mitigation with respect to compensation for losses arising from the development and operation of the hydroelectric facilities of the Columbia River and its tributaries as a system.

(B) Consumers of electric power shall bear the cost of measures designed to deal with adverse impacts caused by the development and operation of electric power facilities and programs only.

(C) To the extent the program provides for coordination of its measures with additional measures (including additional enhancement measures to deal with impacts caused by factors other than the development and operation of electric power facilities and programs), such additional measures are to be implemented in accordance with agreements among the appropriate parties providing for the administration and funding of such additional measures.

(D) Monetary costs and electric power losses resulting from the implementation of the program shall be allocated by the Administrator consistent with individual project impacts and systemwide objectives of this subsection.

(9) The Council shall adopt such program or amendments thereto within one year after the time provided for receipt of the recommendations. Such program shall also be included in the plan adopted by the Council under subsection (d).

(10)(A) The Administrator shall use the Bonneville Power Administration fund and the authorities available to the Administrator under this Act and other laws administered by the Administrator to protect, mitigate, and enhance fish and wildlife to the extent affected by the development and operation of any hydroelectric project of the Columbia River and its tributaries in a manner consistent with the plan, if in existence, the program adopted by the Council under this subsection, and the purposes of this Act. Expenditures of the Administrator pursuant to this paragraph shall be in addition to, not in lieu of, other expenditures authorized or required from other entities under other agreements or provisions of law.

(B) The Administrator may make expenditures from such fund which shall be included in the annual or supplementary budgets submitted to the Congress pursuant to the Federal Columbia River Transmission System Act. Any amounts included in such budget for the construction of capital facilities with an estimated life of greater than 15 years and an estimated cost of at least $1,000,000 shall be funded in the same manner and in accordance with the same procedures as major transmission facilities under the Federal Columbia River Transmission System Act.

16 USC 838 note.

Allocation of funds.

(C) The amounts expended by the Administrator for each activity pursuant to this subsection shall be allocated as appropriate by the Administrator, in consultation with the Corps of Engineers and the Water and Power Resources Service, among the various hydroelectric projects of the Federal Columbia River Power System. Amounts so allocated shall be allocated to the various project purposes in accordance with existing accounting procedures for the Federal Columbia River Power System.

(11)(A) The Administrator and other Federal agencies responsible for managing, operating, or regulating Federal or non-Federal hydroelectric facilities located on the Columbia River or its tributaries shall—

(i) exercise such responsibilities consistent with the purposes of this Act and other applicable laws, to adequately protect, mitigate, and enhance fish and wildlife, including related spawning grounds and habitat, affected by such projects or facilities in a manner that provides equitable treatment for such fish and wildlife with the other purposes for which such system and facilities are managed and operated;

(ii) exercise such responsibilities, taking into account at each relevant stage of decisionmaking processes to the fullest extent practicable, the program adopted by the Council under this subsection. If, and to the extent that, such other Federal agencies as a result of such consideration impose upon any non-Federal electric power project measures to protect, mitigate, and enhance fish and wildlife which are not attributable to the development and operation of such project, then the resulting monetary costs and power losses (if any) shall be borne by the Administrator in accordance with this subsection.

(B) The Administrator and such Federal agencies shall consult with the Secretary of the Interior, the Administrator of the National Marine Fisheries Service, and the State fish and wildlife agencies of the region, appropriate Indian tribes, and affected project operators in carrying out the provisions of this paragraph and shall, to the greatest extent practicable, coordinate their actions.

Report to congressional committees.

(12)(A) Beginning on October 1 of the first fiscal year after all members to the Council are appointed initially, the Council shall submit annually a detailed report to the Committee on Energy and Natural Resources of the Senate and to the Committees on Interstate and Foreign Commerce and on Interior and Insular Affairs of the House of Representatives. The report shall describe the actions taken and to be taken by the Council under this Act, including this subsection, the effectiveness of the fish and wildlife program, and potential revisions or modifications to the program to be included in the plan when adopted. At least ninety days prior to its submission of such report, the Council shall make available to such fish and wildlife agencies, and tribes, the Administrator and the customers a draft of such report. The Council shall establish procedures for timely comments thereon. The Council shall include as an appendix to such report such comments or a summary thereof.

(B) The Administrator shall keep such committees fully and currently informed of the actions taken and to be taken by the Administrator under this Act, including this subsection.

Review.

(i) The Council may from time to time review the actions of the Administrator pursuant to sections 4 and 6 of this Act to determine whether such actions are consistent with the plan and programs, the extent to which the plan and programs is being implemented, and to assist the Council in preparing amendments to the plan and programs.

(j)(1) The Council may request the Administrator to take an action under section 6 to carry out the Administrator's responsibilities under the plan.

(2) To the greatest extent practicable within ninety days after the Council's request, the Administrator shall respond to the Council in writing specifying—

(A) the means by which the Administrator will undertake the action or any modification thereof requested by the Council, or

(B) the reasons why such action would not be consistent with the plan, or with the Administrator's legal obligations under this Act, or other provisions of law, which the Administrator shall specifically identify.

Hearing.

(3) If the Administrator determines not to undertake the requested action, the Council, within sixty days after notice of the Administrator's determination, may request the Administrator to hold an informal hearing and make a final decision.

Conservation measures and resources, analysis.

(k)(1) Not later than October 1, 1987, or six years after the Council is established under this Act, whichever is later, the Council shall complete a thorough analysis of conservation measures and conservation resources implemented pursuant to this Act during the five-year period beginning on the date the Council is established under this Act to determine if such measures or resources:

(A) have resulted or are likely to result in costs to consumers in the region greater than the costs of additional generating resources or additional fuel which the Council determines would be necessary in the absence of such measures or resources;

(B) have not been or are likely not to be generally equitable to all consumers in the region; or

(C) have impaired or are likely to impair the ability of the Administrator to carry out his obligations under this Act and other laws, consistent with sound business practices.

(2) The Administrator may determine that section 3(4)(D) shall not apply to any proposed conservation measure or resource if the Administrator finds after receipt of such analysis from the Council that such measure or resource would have any result or effect described in subparagraph (A), (B) or (C) of paragraph (1).

SALE OF POWER

16 USC 839c.

SEC. 5. (a) All power sales under this Act shall be subject at all times to the preference and priority provisions of the Bonneville Project Act of 1937 (16 U.S.C. 832 and following) and, in particular, sections 4 and 5 thereof. Such sales shall be at rates established pursuant to section 7.

16 USC 832c, 832d.
16 USC 832f.

(b)(1) Whenever requested, the Administrator shall offer to sell to each requesting public body and cooperative entitled to preference and priority under the Bonneville Project Act of 1937 and to each requesting investor-owned utility electric power to meet the firm power load of such public body, cooperative or investor-owned utility in the Region to the extent that such firm power load exceeds—

(A) the capability of such entity's firm peaking and energy resources used in the year prior to the enactment of this Act to serve its firm load in the region, and

(B) such other resources as such entity determines, pursuant to contracts under this Act, will be used to serve its firm load in the region.

In determining the resources which are used to serve a firm load, for purposes of subparagraphs (A) and (B), any resources used to serve a firm load under such subparagraphs shall be treated as continuing to be so used, unless such use is discontinued with the consent of the Administrator, or unless such use is discontinued because of obsolescence, retirement, loss of resource, or loss of contract rights.

(2) Contracts with investor-owned utilities shall provide that the Administrator may reduce his obligations under such contracts in accordance with section 5(a) of the Bonneville Project Act of 1937.

(3) In addition to his authorities to sell electric power under paragraph (1), the Administrator is also authorized to sell electric power to Federal agencies in the region.

(4) Sales under this subsection shall be made only if the public body, cooperative, Federal agency or investor-owned utility complies with the Administrator's standards for service in effect on the effective date of this Act or as subsequently revised.

(5) The Administrator shall include in contracts executed in accordance with this subsection provisions that enable the Administrator to restrict his contractual obligations to meet the loads referred to in this subsection in the future if the Administrator determines, after a

reasonable period of experience under this Act, that the Administrator cannot be assured on a planning basis of acquiring sufficient resources to meet such loads during a specified period of insufficiency. Any such contract with a public body, cooperative, or Federal agency shall specify a reasonable minimum period between a notice of restriction and the earliest date such restriction may be imposed.

(6) Contracts executed in accordance with this subsection with public body, cooperative, and Federal agency customers shall—

(A) provide that the restriction referred to in paragraph (5) shall not be applicable to any such customers until the operating year in which the total of such customers' firm loads to be served by the Administrator equals or exceeds the firm capability of the Federal base system resources;

(B) not permit restrictions which would reduce the total contractual entitlement of such customers to an amount less than the firm capability of the Federal base system resources; and

(C) contain a formula for determining annually, on a uniform basis, each such customer's contractual entitlement to firm power during such a period of restriction, which formula shall not consider customer resources other than those the customer has determined, as of the effective date of this Act, to be used to serve its own firm loads.

The formula referred to in subparagraph (C) shall obligate the Administrator to provide on an annual basis only firm power needed to serve the portion of such customer's firm load in excess of the capability of such customer's own firm resources determined by such customer under paragraph (1) of this subsection to be used to serve its firm load.

Purchase and exchange sale.

(c)(1) Whenever a Pacific Northwest electric utility offers to sell electric power to the Administrator at the average system cost of that utility's resources in each year, the Administrator shall acquire by purchase such power and shall offer, in exchange, to sell an equivalent amount of electric power to such utility for resale to that utility's residential users within the region.

Limitation.

(2) The purchase and exchange sale referred to in paragraph (1) of this subsection with any electric utility shall be limited to an amount not in excess of 50 per centum of such utility's Regional residential load in the year beginning July 1, 1980, such 50 per centum limit increasing in equal annual increments to 100 per centum of such load in the year beginning July 1, 1985, and each year thereafter.

Cost benefits.

(3) The cost benefits, as specified in contracts with the Administrator, of any purchase and exchange sale referred to in paragraph (1) of this subsection which are attributable to any electric utility's residential load within a State shall be passed through directly to such utility's residential loads within such State, except that a State which lies partially within and partially without the region may require that such cost benefits be distributed among all of the utility's residential loads in that State.

Termination.

(4) An electric utility may terminate, upon reasonable terms and conditions agreed to by the Administrator and such utility prior to such termination, its purchase and sale under this subsection if the supplemental rate charge provided for in section 7(b)(3) is applied and the cost of electric power sold to such utility under this subsection exceeds, after application of such rate charge, the average system cost of power sold by such utility to the Administrator under this subsection.

(5) Subject to the provisions of sections 4 and 6, in lieu of purchasing any amount of electric power offered by a utility under paragraph (1) of this subsection, the Administrator may acquire an equivalent amount of electric power from other sources to replace power sold to such utility as part of an exchange sale if the cost of such acquisition is less than the cost of purchasing the electric power offered by such utility.

(6) Exchange sales to a utility pursuant to this subsection shall not be restricted below the amounts of electric power acquired by the Administrator from, or on behalf of, such utility pursuant to this subsection.

"Average system cost."

(7) The "average system cost" for electric power sold to the Administrator under this subsection shall be determined by the Administrator on the basis of a methodology developed for this purpose in consultation with the Council, the Administrator's customers, and appropriate State regulatory bodies in the region. Such methodology shall be subject to review and approval by the Federal Energy Regulatory Commission. Such average system cost shall not include—

(A) the cost of additional resources in an amount sufficient to serve any new large single load of the utility;

(B) the cost of additional resources in an amount sufficient to meet any additional load outside the region occurring after the effective date of this Act; and

(C) any costs of any generating facility which is terminated prior to initial commercial operation.

(d)(1)(A) The Administrator is authorized to sell in accordance with this subsection electric power to existing direct service industrial customers. Such sales shall provide a portion of the Administrator's reserves for firm power loads within the region.

"Industrial firm power."

(B) After the effective date of this Act, the Administrator shall offer in accordance with subsection (g) of this section to each existing direct service industrial customer an initial long term contract that provides such customer an amount of power equivalent to that to which such customer is entitled under its contract dated January or April 1975 providing for the sale of "industrial firm power."

(2) The Administrator shall not sell electric power, including reserves, directly to new direct service industrial customers.

(3) The Administrator shall not sell amounts of electric power, including reserves, to existing direct service industrial customers in excess of the amount permitted under paragraph (1) unless the Administrator determines, after a plan has been adopted pursuant to section 4 of this Act, that such proposed sale is consistent with the plan and that—

(A) additional power system reserves are required for the region's firm loads,

(B) the proposed sale would provide a cost-effective method of supplying such reserves,

(C) such loads or loads of similar character cannot provide equivalent operating or planning benefits to the region if served by an electric utility under contractual arrangements providing reserves, and

(D) the Administrator has or can acquire sufficient electric power to serve such loads, and

unless the Council has determined such sale is consistent with the plan. After such determination by the Administrator and by the Council, the Administrator is authorized to offer to existing direct service industrial customers power in such amounts in excess of the amount permitted under paragraph (1) of this subsection as the Administrator determines to be necessary to provide additional power system reserves to meet the region's firm loads.

Definitions.

(4)(A) As used in this section, the term "existing direct service industrial customer" means any direct service industrial customer of the Administrator which has a contract for the purchase of electric power from the Administrator on the effective date of this Act.

(B) The term "new direct service industrial customer" means any industrial entity other than an existing direct service industrial customer.

New contract.

(C)(i) Where a new contract is offered in accordance with subsection (g) to any existing direct service industrial customer which has not received electric power prior to the effective date of this Act from the Administrator pursuant to a contract with the Administrator existing on the date of the enactment of this Act, electric power delivered under such new contract shall be conditioned on the Administrator reasonably acquiring, in accordance with this Act and within such estimated period of time (as specified in the contract) as he deems reasonable, sufficient resources to meet, on a planning basis, the load requirement of such customer. Such contract shall also provide that the obligation of the Administrator to acquire such resources to meet such load requirement shall, except as provided in clause (ii) of this subparagraph, apply only to such customer and shall not be sold or exchanged by such customer to any other person.

Contract rights, transfer.

(ii) Rights under a contract described in clause (i) of this subparagraph may be transferred by an existing direct service industrial customer referred to in clause (i) to a successor in interest in connection with a reorganization or other transfer of all major assets of such customer. Following such a transfer, such successor in interest (or any other subsequent successor in interest) may also transfer rights under such a contract only in connection with a reorganization or other transfer of all assets of such successor in interest.

(iii) The limitations of clause (i) of this subparagraph shall not apply to any customer referred to in clause (i) whenever the Administrator determines that such customer is receiving electric power pursuant to a contract referred to in such clause (ii).

(e)(1) The contractual entitlement to firm power of any customer from whom, or on whose behalf, the Administrator has acquired electric power pursuant to section 6 may not be restricted below the amount of electric power so acquired from, or on behalf of, such customer. If in any year such customer's requirements are less than such entitlement, any excess of such entitlement shall be first made available to increase the entitlement of other customers of the same class before being available for the entitlement of other customers. For purposes of this paragraph, the following entities shall each constitute a class:

(A) public bodies and cooperatives;
(B) Federal agencies;
(C) direct service industrial; and
(D) investor owned utilities.

(2) Any contractual entitlement to firm power which is based on electric power acquired from, or on behalf of, a customer pursuant to section 6 shall be in addition to any other contractual entitlement to firm power not subject to restriction that such customer may have under this section. For the purposes of this subsection, references to amounts of power acquired by the Administrator pursuant to section 6 shall be deemed to mean the amounts specified in the resource

acquisition contracts exclusive of any amounts recognized in such contracts as replacement for Federal base system resources.

(3) The Administrator shall, consistent with the provisions of this Act, insure that any restrictions upon any particular customer class made pursuant to this subsection and subsection (b) of this section are distributed equitably throughout the region.

(f) The Administrator is authorized to sell, or otherwise dispose of, electric power, including power acquired pursuant to this and other Acts, that is surplus to his obligations incurred pursuant to subsections (b), (c), and (d) of this section in accordance with this and other Acts applicable to the Administrator, including the Bonneville Project Act of 1937 (16 U.S.C. 832 and following), the Federal Columbia River Transmission System Act (16 U.S.C. 838 and following), and the Act of August 31, 1964 (16 U.S.C. 837-837h).

Long-term contracts.

16 USC 832d.

(g)(1) As soon as practicable within nine months after the effective date of this Act, the Administrator shall commence necessary negotiations for, and offer, initial long-term contracts (within the limitations of the third sentence of section 5(a) of the Bonneville Project Act) simultaneously to—

(A) existing public body and cooperative customers and investor-owned utility customers under subsection (b) of this section;

(B) Federal agency customers under subsection (b) of this section;

(C) electric utility customers under subsection (c) of this section; and

(D) direct service industrial customers under subsection (d)(1).

(2) Each customer offered a contract pursuant to this subsection shall have one year from the date of such offer to accept such contract. Such contract shall be effective as provided in this subsection.

(3) An initial contract with a public body, cooperative or investor-owned electric utility customer or a Federal agency customer pursuant to subsection (b) of this section shall be effective on the date executed by such customer, unless another effective date is otherwise agreed to by the Administrator and the customer.

(4) An initial contract with an electric utility customer pursuant to subsection (c) of this section shall be effective on the date executed by such customer, but no earlier than the first day of the tenth month after the effective date of this Act.

(5) An initial contract with a direct service industrial customer pursuant to subsection (d)(1), shall be effective on the date agreed upon by the Administrator and such customer, but no later than the first day of the tenth month after the effective date of this Act. When such contract is executed, it may for rate purposes be given retroactive effect to such first day.

(6) Initial contracts offered public body, cooperative and Federal agency customers in accordance with this subsection shall provide that during a period of insufficiency declared in accordance with subsection (b) of this section each customer's contractual entitlement shall, to the extent of its requirements on the Administrator, be no less than the amount of firm power received from the Administrator in the year immediately preceding the period of insufficiency.

(7) The Administrator shall be deemed to have sufficient resources for the purpose of entering into the initial contracts specified in paragraph (1) (A) through (D).

CONSERVATION AND RESOURCE ACQUISITION

SEC. 6. (a)(1) The Administrator shall acquire such resources through conservation, implement all such conservation measures, and acquire such renewable resources which are installed by a residential or small commercial consumer to reduce load, as the Administrator determines are consistent with the plan, or if no plan is in effect with the criteria of section 4(e)(1) and the considerations of section 4(e)(2) and, in the case of major resources, in accordance with subsection (c) of this section. Such conservation measures and such resources may include, but are not limited to— 16 USC 839d.

(A) loans and grants to consumers for insulation or weatherization, increased system efficiency, and waste energy recovery by direct application,

(B) technical and financial assistance to, and other cooperation with, the Administrator's customers and governmental authorities to encourage maximum cost-effective voluntary conservation and the attainment of any cost-effective conservation objectives adopted by individual States or subdivisions thereof,

(C) aiding the Administrator's customers and governmental authorities in implementing model conservation standards adopted pursuant to section 4(f), and

(D) conducting demonstration projects to determine the cost effectiveness of conservation measures and direct application of renewable energy resources.

(2) In addition to acquiring electric power pursuant to section 5(c), or on a short-term basis pursuant to section 11(b)(6)(i) of the Federal Columbia River Transmission System Act, the Administrator shall acquire, in accordance with this section, sufficient resources— 16 USC 838i.

(A) to meet his contractual obligations that remain after taking into account planned savings from measures provided for in paragraph (1) of this subsection, and

(B) to assist in meeting the requirements of section 4(h) of this Act.

The Administrator shall acquire such resources without considering restrictions which may apply pursuant to section 5(b) of this Act.

(b)(1) Except as specifically provided in this section, acquisition of resources under this Act shall be consistent with the plan, as determined by the Administrator.

(2) The Administrator may acquire resources (other than major resources) under this Act which are not consistent with the plan, but which are determined by the Administrator to be consistent with the criteria of section 4(e)(1) and the considerations of section 4(e)(2) of this Act.

(3) If no plan is in effect, the Administrator may acquire resources under this Act which are determined by the Administrator to be consistent with the criteria of section 4(e)(1) and the considerations of section 4(e)(2) of this Act.

(4) The Administrator shall acquire any non-Federal resources to replace Federal base system resources only in accordance with the provisions of this section. The Administrator shall include in the contracts for the acquisition of any such non-Federal replacement resources provisions which will enable him to ensure that such non-Federal replacement resources are developed and operated in a manner consistent with the considerations specified in section 4(e)(2) of this Act.

(5) Notwithstanding any acquisition of resources pursuant to this section, the Administrator shall not reduce his efforts to achieve

conservation and to acquire renewable resources installed by a residential or small commercial consumer to reduce load, pursuant to subsection (a)(1) of this section.

(c)(1) For each proposal under subsection (a), (b), (f), (h), or (l) of this section to acquire a major resource, to implement a conservation measure which will conserve an amount of electric power equivalent to that of a major resource, to pay or reimburse investigation and preconstruction expenses of the sponsors of a major resource, or to grant billing credits or services involving a major resource, the Administrator shall—

Publication in Federal Register.

(A) publish notice of the proposed action in the Federal Register and provide a copy of such notice to the Council, the Governor of each State in which facilities would be constructed or a conservation measure implemented, and the Administrator's customers;

Public hearings.

(B) not less than sixty days following publication of such notice, conduct one or more public hearings, presided over by a hearing officer, at which testimony and evidence shall be received, with opportunity for such rebuttal and cross-examination as the hearing officer deems appropriate in the development of an adequate hearing record;

(C) develop a record to assist in evaluating the proposal which shall include the transcript of the public hearings, together with exhibits, and such other materials and information as may have been submitted to, or developed by, the Administrator; and

(D) following completion of such hearings, promptly provide to the Council and make public a written decision that includes, in addition to a determination respecting the requirements of subsection (a), (b), (f), (h), (l), or (m) of this section, as appropriate—

(i) if a plan is in effect, a finding that the proposal is either consistent or inconsistent with the plan or, notwithstanding its inconsistency with the plan, a finding that it is needed to meet the Administrator's obligations under this Act, or

(ii) if no plan is in effect, a finding that the proposal is either consistent or inconsistent with the criteria of section 4(e)(1) and the considerations of section 4(e)(2) of this Act or notwithstanding its inconsistency, a finding that it is needed to meet the Administrator's obligations under this Act.

In the case of subsection (f) of this section, such decision shall be treated as satisfying the applicable requirements of this subsection and of subsection (f) of this section, if it includes a finding of probable consistency, based upon the Administrator's evaluation of information available at the time of completion of the hearing under this paragraph. Such decision shall include the reasons for such finding.

(2) Within sixty days of the receipt of the Administrator's decision pursuant to paragraph (1)(D) of this subsection, the Council may determine by a majority vote of all members of the Council, and notify the Administrator—

(A) that the proposal is either consistent or inconsistent with the plan, or

(B) if no plan is in effect, that the proposal is either consistent or inconsistent with the criteria of section 4(e)(1) and the considerations of section 4(e)(2).

(3) The Administrator may not implement any proposal referred to in paragraph (1) that is determined pursuant to paragraph (1) or (2) by either the Administrator or the Council to be inconsistent with the

plan or, if no plan is in effect, with the criteria of section 4(e)(1) and the considerations of section 4(e)(2)—

(A) unless the Administrator finds that, notwithstanding such inconsistency, such resource is needed to meet the Administrator's obligations under this Act, and

(B) until the expenditure of funds for that purpose has been specifically authorized by Act of Congress enacted after the date of the enactment of this Act.

(4) Before the Administrator implements any proposal referred to in paragraph (1) of this subsection, the Administrator shall—

(A) submit to the appropriate committees of the Congress the administrative record of the decision (including any determination by the Council under paragraph (2)) and a statement of the procedures followed or to be followed for compliance with the National Environmental Policy Act of 1969,

42 USC 4321 note.

Publication in Federal Register.

(B) publish notice of the decision in the Federal Register, and

(C) note the proposal in the Administrator's annual or supplementary budget submittal made pursuant to the Federal Columbia River Transmission System Act (16 U.S.C. 838 and following).

The Administrator may not implement any such proposal until ninety days after the date on which such proposal has been noted in such budget or after the date on which such decision has been published in the Federal Register, whichever is later.

(5) The authority of the Council to make a determination under paragraph (2)(B) if no plan is in effect shall expire on the date two years after the establishment of the Council.

(d) The Administrator is authorized to acquire a resource, other than a major resource, whether or not such resource meets the criteria of section 4(e)(1) and the considerations of section 4(e)(2) but which he determines is an experimental, developmental, demonstration, or pilot project of a type with a potential for providing cost-effective service to the region. The Administrator shall make no obligation for the acquisition of such resource until it is included in the annual budgets submitted to the Congress pursuant to the Federal Columbia River Transmission System Act.

(e)(1) In order to effectuate the priority given to conservation measures and renewable resources under this Act, the Administrator shall, to the maximum extent practicable, make use of his authorities under this Act to acquire conservation measures and renewable resources, to implement conservation measures, and to provide credits and technical and financial assistance for the development and implementation of such resources and measures (including the funding of, and the securing of debt for, expenses incurred during the investigation and preconstruction of resources, as authorized in subsection (f) of this section).

(2) To the extent conservation measures or acquisition of resources require direct arrangements with consumers, the Administrator shall make maximum practicable use of customers and local entities capable of administering and carrying out such arrangements.

(f)(1) For resources which the Administrator determines may be eligible for acquisition under this section and satisfy the criteria of section 4(e)(1) and the considerations of section 4(e)(2) of this Act or, if a plan is in effect, to be consistent with the plan, the Administrator is authorized to enter into agreements with sponsors of—

(A) a renewable resource, other than a major resource, to fund or secure debt incurred in the investigation and initial development of such resource, or

(B) any other resource to provide for the reimbursement of the sponsor's investigation and preconstruction expenses concerning such resource (which expenses shall not include procurement of capital equipment or construction material for such resource).

In the case of any resource referred to in subparagraph (B) of this paragraph, such reimbursement is authorized only if—

(i) such resource is subsequently denied State siting approval or other necessary Federal or State permits, or approvals,

(ii) such investigation subsequently demonstrates, as determined by the Administrator, that such resource does not meet the criteria of section 4(e)(1) and the considerations of section 4(e)(2) of this Act or is not acceptable because of environmental impacts, or

(iii) after such investigation the Administrator determines not to acquire the resource and the sponsor determines not to construct the resource.

(2) The Administrator may exercise the authority of this subsection only after he determines that the failure to do so would result in inequitable hardship to the consumers of such sponsors. The Administrator may provide reimbursement under this subsection only for expenses incurred after the date of the enactment of this Act.

(3) Any agreement under paragraph (1) of this subsection shall provide the Administrator an option to acquire any such resource, including a renewable resource, and shall include such other provisions, as the Administrator deems appropriate, for the Administrator's recovery from such sponsors or any assignee of the sponsors, if such sponsor or assignee continues development of the resource, of any advances made by the Administrator pursuant to such agreement.

(4) The Administrator shall not reimburse any expense incurred by the sponsors (except necessary expenses involved in the liquidation of the resource) after the date of a final denial of application for State siting approval or after the date the Administrator determines that the resource to be inconsistent with the plan or the criteria of section 4(e)(1) and the considerations of section 4(e)(2).

(g) At the request of the appropriate State, any environmental impact statement which may be required with respect to a resource, to the extent determined possible by the Administrator in accordance with applicable law and regulations, may be prepared jointly and in coordination with any required environmental impact statement of the State or any other statement which serves the purpose of an environmental impact statement which is required by State law.

Billing credits.

(h)(1) If a customer so requests, the Administrator shall grant billing credits to such customer, and provide services to such customer at rates established for such services, for—

(A) conservation activities independently undertaken or continued after the effective date of this Act by such customer or political subdivision served by such customer which reduce the obligation of the Administrator that would otherwise have existed to acquire other resources under this Act, or

(B) resources constructed, completed, or acquired after the effective date of this Act by a customer, an entity acting on behalf of such customer, or political subdivision served by the customer which reduce the obligation of the Administrator to acquire resources under this Act. Such resources shall be renewable resources or multipurpose projects or other resources which are not inconsistent with the plan or, in the absence of a plan, not inconsistent with the criteria of section 4(e)(1) and the considerations of section 4(e)(2) of this Act.

(2) The energy and capacity on which a credit under this subsection to a customer is based shall be the amount by which a conservation activity or resource actually changes the customer's net requirement for supply of electric power or reserves from the Administrator.

(3) The amount of credits for conservation under this subsection shall be set to credit the customer implementing or continuing the conservation activity for which the credit is granted for the savings resulting from such activity. The rate impact on the Administrator's other customers of granting the credit shall be equal to the rate impact such customers would have experienced had the Administrator been obligated to acquire resources in an amount equal to that actually saved by the activity for which the credit is granted.

(4) For resources other than conservation, the customer shall be credited for net costs actually incurred by such customer, an entity acting on behalf of such customer, or political subdivision served by such customer, in acquiring, constructing, or operating the resource for which the credit is granted. The rate impact to the Administrator's other customers of granting the credit shall be no greater than the rate impact such customers would have experienced had the Administrator been obligated to acquire resources in an amount equal to that actually produced by the resource for which the credit is granted.

(5) Retail rate structures which are voluntarily implemented by the Administrator's customers and which induce conservation or installation of consumer-owned renewable resources shall be considered, for purposes of this subsection, to be (A) conservation activities independently undertaken or carried on by such customers, or (B) customer-owned renewable resources, and shall qualify for billing credits upon the same showing as that required for other conservation or renewable resource activities.

(6) Prior to granting any credit or providing services pursuant to this subsection, the Administrator shall—

(A) comply with the notice provisions of subsection (c) of this section, and include in such notice the methodology the Administrator proposes to use in determining the amount of any such credit;

(B) include the cost of such credit in the Administrator's annual or amended budget submittal to the Congress made pursuant to the Federal Columbia River Transmission System Act (16 U.S.C. 838(j));

(C) require that resources in excess of customer's reasonable load growth shall have been offered to others for ownership, participation or other sponsorship pursuant to subsection (m) of this section, except in the case of conservation, multi-purpose projects uniquely suitable for development by the customer, or renewable resources; and

(D) require that the operators of any generating resource for which a billing credit is to be granted agree to operate such resource in a manner compatible with the planning and operation of the region's power system.

(i) Contracts for the acquisition of resources and for billing credits for major resources, including conservation activities, entered into pursuant to this section shall contain such terms and conditions, applicable after the contract is entered into, as will—

(1) insure timely construction, scheduling, completion, and operation of resources,

(2) insure that the costs of any acquisition are as low as reasonably possible, consistent (A) with sound engineering, operating, and safety practices, and (B) the protection, mitigation, and enhancement of fish and wildlife, including related spawning grounds and habitat affected by the development of such resources, and

(3) insure that the Administrator exercises effective oversight, inspection, audit, and review of all aspects of such construction and operation.

Such contracts shall contain provisions assuring that the Administrator has the authority to approve all costs of, and proposals for, major modifications in construction, scheduling or operations and to assure that the Administrator is provided with such current information as he deems necessary to evaluate such construction and operation.

(j)(1) All contractual and other obligations required to be carried out by the Administrator pursuant to this Act shall be secured solely by the Administrator's revenues received from the sale of electric power and other services. Such obligations are not, nor shall they be construed to be, general obligations of the United States, nor are such obligations intended to be or are they secured by the full faith and credit of the United States.

(2) All contracts entered into by the Administrator for the acquisition of resources pursuant to this Act shall require that, in the sale of any obligations, all offerings and promotional material for the sale of such obligations shall include the language contained in the second sentence of paragraph (1) of this subsection. The Administrator shall monitor and enforce such requirement.

(k) In the exercise of his authorities pursuant to this section, the Administrator shall, consistent with the provisions of this Act and the Administrator's obligations to particular customer classes, insure that benefits under this section, including financial and technical assistance, conduct of conservation demonstrations, and experimental projects, services, and billing credits, are distributed equitably throughout the region.

Investigations.

(l)(1) The Administrator is authorized and directed to investigate opportunities for adding to the region's resources or reducing the region's power costs through the accelerated or cooperative development of resources located outside the States of Idaho, Montana, Oregon, and Washington if such resources are renewable resources, and are now or in the future planned or considered for eventual development by nonregional agencies or authorities that will or would own, sponsor, or otherwise develop them. The Administrator shall keep the Council fully and currently informed of such investigations, and seek the Council's advice as to the desirability of pursuing such investigations.

(2) The Administrator is authorized and directed to investigate periodically opportunities for mutually beneficial interregional exchanges of electric power that reduce the need for additional generation or generating capacity in the Pacific Northwest and the regions with which such exchanges may occur. The Council shall take into consideration in formulating a plan such investigations.

(3) After the Administrator submits a report to Congress pursuant to paragraph (5) of this subsection, the Administrator is authorized to acquire resources consistent with such investigations and consistent with the plan or, if no plan is in effect, with the priorities of section 4(e)(1) and the considerations of section 4(e)(2). Such acquisitions shall be in accordance with the provisions of this subsection.

(4) The Administrator shall conduct the investigations and the acquisitions, if any, authorized under this subsection with the assistance of other Federal agencies as may be appropriate.

(5) No later than July 1, 1981, the Administrator shall submit to the Congress a report of the results of the investigations undertaken pursuant to this subsection, together with the prospects for obtaining additional resources under the authority granted by this subsection and for reductions in generation or generating capacity through exchanges. Report to Congress.

(m) Except as to resources under construction on the effective date of this Act, the Administrator shall determine in each case of a major resource acquisition that a reasonable share of the particular resource, or a reasonable equivalent, has been offered to each Pacific Northwest electric utility for ownership, participation, or other sponsorship, but not in excess of the amounts needed to meet such utility's Regional load.

RATES

SEC. 7. (a)(1) The Administrator shall establish, and periodically review and revise, rates for the sale and disposition of electric energy and capacity and for the transmission of non-Federal power. Such rates shall be established and, as appropriate, revised to recover, in accordance with sound business principles, the costs associated with the acquisition, conservation, and transmission of electric power, including the amortization of the Federal investment in the Federal Columbia River Power System (including irrigation costs required to be repaid out of power revenues) over a reasonable period of years and the other costs and expenses incurred by the Administrator pursuant to this Act and other provisions of law. Such rates shall be established in accordance with sections 9 and 10 of the Federal Columbia River Transmission System Act (16 U.S.C. 838), section 5 of the Flood Control Act of 1944, and the provisions of this Act. 16 USC 839e. 16 USC 838g, 838h. 16 USC 825s.

(2) Rates established under this section shall become effective only, except in the case of interim rules as provided in subsection (i)(6), upon confirmation and approval by the Federal Energy Regulatory Commission upon a finding by the Commission, that such rates—

(A) are sufficient to assure repayment of the Federal investment in the Federal Columbia River Power System over a reasonable number of years after first meeting the Administrator's other costs,

(B) are based upon the Administrator's total system costs, and

(C) insofar as transmission rates are concerned, equitably allocate the costs of the Federal transmission system between Federal and non-Federal power utilizing such system.

(b)(1) The Administrator shall establish a rate or rates of general application for electric power sold to meet the general requirements of public body, cooperative, and Federal agency customers within the Pacific Northwest, and loads of electric utilities under section 5(c). Such rate or rates shall recover the costs of that portion of the Federal base system resources needed to supply such loads until such sales exceed the Federal base system resources. Thereafter, such rate or rates shall recover the cost of additional electric power as needed to supply such loads, first from the electric power acquired by the Administrator under section 5(c) and then from other resources.

(2) After July 1, 1985, the projected amounts to be charged for firm power for the combined general requirements of public body, cooperative and Federal agency customers, exclusive of amounts charged such customers under subsection (g) for the costs of conservation,

resource and conservation credits, experimental resources and uncontrollable events, may not exceed in total, as determined by the Administrator, during any year after July 1, 1985, plus the ensuing four years, an amount equal to the power costs for general requirements of such customers if, the Administrator assumes that—

(A) the public body and cooperative customers' general requirements had included during such five-year period the direct service industrial customer loads which are—

(i) served by the Administrator, and

(ii) located within or adjacent to the geographic service boundaries of such public bodies and cooperatives;

(B) public body, cooperative, and Federal agency customers were served, during such five-year period, with Federal base system resources not obligated to other entities under contracts existing as of the effective date of this Act (during the remaining term of such contracts) excluding obligations to direct service industrial customer loads included in subparagraph (A) of this paragraph;

(C) no purchases or sales by the Administrator as provided in section 5(c) were made during such five-year period;

(D) all resources that would have been required, during such five-year period, to meet remaining general requirements of the public body, cooperative and Federal agency customers (other than requirements met by the available Federal base system resources determined under subparagraph (B) of this paragraph) were—

(i) purchased from such customers by the Administrator pursuant to section 6, or

(ii) not committed to load pursuant to section 5(b),

and were the least expensive resources owned or purchased by public bodies or cooperatives; and any additional needed resources were obtained at the average cost of all other new resources acquired by the Administrator; and

(E) the quantifiable monetary savings, during such five-year period, to public body, cooperative and Federal agency customers resulting from—

(i) reduced public body and cooperative financing costs as applied to the total amount of resources, other than Federal base system resources, identified under subparagraph (D) of this paragraph, and

(ii) reserve benefits as a result of the Administrator's actions under this Act

were not achieved.

(3) Any amounts not charged to public body, cooperative, and Federal agency customers by reason of paragraph (2) of this subsection shall be recovered through supplemental rate charges for all other power sold by the Administrator to all customers. Rates charged public body, cooperative, or Federal agency customers pursuant to this subsection shall not include any costs or benefits of a net revenue surplus or deficiency occurring for the period ending June 30, 1985, to the extent such surplus or deficiency is caused by—

(A) a difference between actual power deliveries and power deliveries projected for the purpose of establishing rates to direct service industrial customers under subsection (c)(1) of this subsection, and

(B) an overrecovery or underrecovery of the net costs incurred by the Administrator under section 5(c) as a result of such difference.

Any such revenue surplus or deficiency incurred shall be recovered from, or repaid to, customers over a reasonable period of time after July 1, 1985, through a supplemental rate charge or credit applied proportionately for all other power sold by the Administrator at rates established under other subsections of this section prior to July 1, 1985.

"General requirements."

(4) The term "general requirements" as used in this section means the public body, cooperative or Federal agency customer's electric power purchased from the Administrator under section 5(b) of this Act, exclusive of any new large single load.

(c)(1) The rate or rates applicable to direct service industrial customers shall be established—

(A) for the period prior to July 1, 1985, at a level which the Administrator estimates will be sufficient to recover the cost of resources the Administrator determines are required to serve such customers' load and the net costs incurred by the Administrator pursuant to section 5(c) of this Act, based upon the Administrator's projected ability to make power available to such customers pursuant to their contracts, to the extent that such costs are not recovered through rates applicable to other customers; and

(B) for the period beginning July 1, 1985, at a level which the Administrator determines to be equitable in relation to the retail rates charged by the public body and cooperative customers to their industrial consumers in the region.

(2) The determination under paragraph (1)(B) of this subsection shall be based upon the Administrator's applicable wholesale rates to such public body and cooperative customers and the typical margins included by such public body and cooperative customers in their retail industrial rates but shall take into account—

(A) the comparative size and character of the loads served,

(B) the relative costs of electric capacity, energy, transmission, and related delivery facilities provided and other service provisions, and

(C) direct and indirect overhead costs,

all as related to the delivery of power to industrial customers, except that the Administrator's rates during such period shall in no event be less than the rates in effect for the contract year ending on June 30, 1985.

(3) The Administrator shall adjust such rates to take into account the value of power system reserves made available to the Administrator through his rights to interrupt or curtail service to such direct service industrial customers.

(d)(1) In order to avoid adverse impacts on retail rates of the Administrator's customers with low system densities, the Administrator shall, to the extent appropriate, apply discounts to the rate or rates for such customers.

(2) In order to avoid adverse impacts of increased rates pursuant to this Act on any direct service industrial customer using raw minerals indigenous to the region as its primary resource, the Administrator, upon request of such customer showing such impacts and after considering the effect of such request on his other obligations under this Act, is authorized, if the Administrator determines that such impacts will be significant, to establish a special rate applicable to such customer if all power sold to such customer may be interrupted, curtailed, or withdrawn to meet firm loads in the region. Such rate shall be established in accordance with this section and shall include such terms and conditions as the Administrator deems appropriate.

(e) Nothing in this Act prohibits the Administrator from establishing, in rate schedules of general application, a uniform rate or rates for sale of peaking capacity or from establishing time-of-day, seasonal rates, or other rate forms.

(f) Rates for all other firm power sold by the Administrator for use in the Pacific Northwest shall be based upon the cost of the portions of Federal base system resources, purchases of power under section 5(c) of this Act and additional resources which, in the determination of the Administrator, are applicable to such sales.

(g) Except to the extent that the allocation of costs and benefits is governed by provisions of law in effect on the effective date of this Act, or by other provisions of this section, the Administrator shall equitably allocate to power rates, in accordance with generally accepted ratemaking principles and the provisions of this Act, all costs and benefits not otherwise allocated under this section, including, but not limited to, conservation, fish and wildlife measures, uncontrollable events, reserves, the excess costs of experimental resources acquired under section 6, the cost of credits granted pursuant to section 6, operating services, and the sale of or inability to sell excess electric power.

(h) Notwithstanding any other provision of this section (except the provisions of subsection (a) of this section), the Administrator shall adjust power rates to include any surcharges arising under section 4(f) of this Act, and shall allocate any revenues from such charges in such manner as the Administrator determines will help achieve the purposes of section 4(f) of this Act.

(i) In establishing rates under this section, the Administrator shall use the following procedures:

Publication in Federal Register.

(1) Notice of the proposed rates shall be published in the Federal Register with a statement of the justification and reasons supporting such rates. Such notice shall include a date for a hearing in accordance with paragraph (2) of this subsection.

Hearings.

(2) One or more hearings shall be conducted as expeditiously as practicable by a hearing officer to develop a full and complete record and to receive public comment in the form of written and oral presentation of views, data, questions, and argument related to such proposed rates. In any such hearing—

(A) any person shall be provided an adequate opportunity by the hearing officer to offer refutation or rebuttal of any material submitted by any other person or the Administrator, and

(B) the hearing officer, in his discretion, shall allow a reasonable opportunity for cross examination, which, as determined by the hearing officer, is not dilatory, in order to develop information and material relevant to any such proposed rate.

(3) In addition to the opportunity to submit oral and written material at the hearings, any written views, data, questions, and arguments submitted by persons prior to, or before the close of, hearings shall be made a part of the administrative record.

Publication in Federal Register.

(4) After such a hearing, the Administrator may propose revised rates, publish such proposed rates in the Federal Register, and conduct additional hearings in accordance with this subsection.

(5) The Administrator shall make a final decision establishing a rate or rates based on the record which shall include the hearing transcript, together with exhibits, and such other materials and information as may have been submitted to, or devel-

oped by, the Administrator. The decision shall include a full and complete justification of the final rates pursuant to this section.

Interim rates.

(6) The final decision of the Administrator shall become effective on confirmation and approval of such rates by the Federal Energy Regulatory Commission pursuant to subsection (a)(2) of this section. The Commission shall have the authority, in accordance with such procedures, if any, as the Commission shall promptly establish and make effective within one year after the enactment of this Act, to approve the final rate submitted by the Administrator on an interim basis, pending the Commission's final decision in accordance with such subsection. Pending the establishment of such procedures by the Commission, if such procedures are required, the Secretary is authorized to approve such interim rates during such one-year period in accordance with the applicable procedures followed by the Secretary prior to the effective date of this Act. Such interim rates, at the discretion of the Secretary, shall continue in effect until July 1, 1982.

(j) All rate schedules adopted, and all power billings rendered, by the Administrator pursuant to this section shall indicate—

(1) the approximate cost contribution of different resource categories to the Administrator's rates for the sale of energy and capacity, and

(2) the cost of resources acquired to meet load growth within the region and the relation of such cost to the average cost of resources available to the Administrator.

Rate or rate schedules, establishment.

(k) Notwithstanding any other provision of this Act, all rates or rate schedules for the sale of nonfirm electric power within the United States, but outside the region, shall be established after the date of this Act by the Administrator in accordance with the procedures of subsection (i) of this section (other than the first sentence of paragraph (6) thereof) and in accordance with the Bonneville Project Act, the Flood Control Act of 1944, and the Federal Columbia River Transmission System Act. Notwithstanding section 201(f) of the Federal Power Act, such rates or rate schedules shall become effective after review by the Federal Energy Regulatory Commission for conformance with the requirements of such Acts and after approval thereof by the Commission. Such review shall be based on the record of proceedings established under subsection (i) of this section. The parties to such proceedings under subsection (i) shall be afforded an opportunity by the Commission for an additional hearing in accordance with the procedures established for ratemaking by the Commission pursuant to the Federal Power Act.

16 USC 832-832*l*; 16 USC 460d, 825s; 33 USC 701-1, 701a-1, 701b-1, 701c note, 708, 709; 43 USC 390.
16 USC 838 note.
16 USC 824.

(l) In order to further the purposes of this Act and to protect the consumers of the region, the Administrator may negotiate, or establish, rates for electric power sold by the Administrator to any entity not located in the United States which shall be equitable in relation to rates for all electric power which is, or may be, purchased by the Administrator or the Administrator's customers from entities outside the United States. In establishing rates other than by negotiation, the provisions of subsection (i) shall apply. In the case of any negotiation with an entity not located in the United States, the Administrator shall provide public notice of any proposal to negotiate such rates. Such negotiated rates shall be not less than the rates established under this Act for nonfirm power sold within the United States but outside the region. The Administrator shall also afford notice of any rates negotiated pursuant to this subsection.

Negotiated rates outside U.S. Notice.

Payments.

(m)(1) Beginning the first fiscal year after the plan and program required by section 4 (d) and (h) of this Act are finally adopted, the

Administrator may, subject to the provisions of this section, make annual impact aid payments to the appropriate local governments within the region with respect to major transmission facilities of the Administrator, as defined in section 3(c) of the Federal Columbia River Transmission Act— 16 USC 838a.

(A) which are located within the jurisdictional boundaries of such governments,

(B) which are determined by the Administrator to have a substantial impact on such governments, and

(C) where the construction of such facilities, or any modification thereof, is completed after the effective date of this Act, and, in the case of a modification of an existing facility, such modification substantially increases the capacity of such existing transmission facility.

Payment formula.

(2) Payments made under this subsection for any fiscal year shall be determined by the Administrator pursuant to a regionwide, uniform formula to be established by rule in accordance with the procedures set forth in subsection (i) of this section. Such rule shall become effective on its approval, after considering its effect on rates established pursuant to this section, by the Federal Energy Regulatory Commission. In developing such formula, the Administrator shall identify, and take into account, the local governmental services provided to the Administrator concerning such facilities and the associated costs to such governments as the result of such facilities.

(3) Payments made pursuant to this subsection shall be made solely from the fund established by section 11 of the Federal Columbia River Transmission System Act. The provisions of section 13 of such Act, and any appropriations provided to the Administrator under any law, shall not be available for such payments. The authorization of payments under this subsection shall not be construed as an obligation of the United States. 16 USC 838i, 838k.

(4) No payment may be made under this subsection with respect to any land or interests in land owned by the United States within the region and administered by any Federal agency (other than the Administrator), without regard to how the United States obtained ownership thereof, including lands or interests therein acquired or withdrawn by a Federal agency for purposes of such agency and subsequently made available to the Administrator for such facilities.

AMENDMENTS TO EXISTING LAW

16 USC 838i.

SEC. 8. (a) Section 11(b) of the Federal Columbia River Transmission System Act is amended by striking out "or" before "(iii)" in paragraph (6), by striking out the semicolon at the end of such paragraph (6) and inserting in lieu thereof ", or (iv) on a short term basis to meet the Administrator's obligations under section 4(h) of the Pacific Northwest Electric Power Planning and Conservation Act;". *Ante*, p. 2700.

(b) Section 11(b) of the Federal Columbia River Transmission System Act is amended by striking out "and" at the end of paragraph (10), by striking out the period at the end of paragraph (11) and inserting in lieu thereof "; and", and by adding at the end thereof the following new paragraph:

"(12) making such payments, as shall be required to carry out the purposes and provisions of the Pacific Northwest Electric Power Planning and Conservation Act.".

16 USC 838k.

(c) Subsection (b) of section 13 of such Act is amended by striking out "and 11(b)(11)" and inserting in lieu thereof ", 11(b)(11), and 11(b)(12)".

(d)(1) The first sentence of subsection (a) of section 13 of such Act is amended by inserting after the word "system," the following: "to implement the Administrator's authority pursuant to the Pacific Northwest Electric Power Planning and Conservation Act (including his authority to provide financial assistance for conservation measures, renewable resources, and fish and wildlife, but not including the authority to acquire under section 6 of that Act electric power from a generating facility having a planned capability greater than 50 average megawatts),". 16 USC 838k. *Ante*, p. 2697. *Ante*, p. 2717.

(2) The fourth sentence of such subsection (a) is amended by inserting the following before the period at the end thereof: "issued by Government corporations".

(3) Such subsection (a) is further amended by inserting the following before the period at the end thereof: "prior to October 1, 1981. Such aggregate principal limitation shall be increased by an additional $1,250,000,000 after October 1, 1981, as provided in advance in annual appropriation Acts, and such increased amount shall be reserved for the purpose of providing funds for conservation and renewable resource loans and grants in a special revolving account created therefor in the Fund. The funds from such revolving account shall not be deemed State or local funds".

(4) Such subsection (a) is further amended by inserting the following after the fourth sentence thereof: "Beginning in fiscal year 1982, if the Administrator fails to repay by the end of any fiscal year all of the amounts projected immediately prior to such year to be repaid to the Treasury by the end of such year under the repayment criteria of the Secretary of Energy and if such failure is due to reasons other than (A) a decrease in power sale revenues due to fluctuating streamflows or (B) other reasons beyond the control of the Administrator, the Secretary of the Treasury may increase the interest rate applicable to the outstanding bonds issued by the Administrator during such fiscal year. Such increase shall be effective commencing with the fiscal year immediately following the fiscal year during which such failure occurred and shall not exceed 1 per centum for each such fiscal year during which such repayments are not in accord with such criteria. The Secretary of the Treasury shall take into account amounts that the Administrator has repaid in advance of any repayment criteria in determining whether to increase such rate. Before such rate is increased, the Secretary of the Treasury, in consultation with the Administrator and the Federal Energy Regulatory Commission, must be satisfied that the Administrator will have the ability to pay such increased rate, taking into account the Administrator's obligations. Such increase shall terminate with the fiscal year in which repayments (including repayments of the increased rate) are in accordance with the repayment criteria of the Secretary of Energy.". Rate increase. Termination.

(e) Clause (2) of section 1(b) of the Act of August 31, 1964 (78 Stat. 756) is amended to read as follows: "(2) any contiguous areas, not in excess of seventy-five airline miles from said region, which are a part of the service area of a rural electric cooperative served by the Administrator on the effective date of the Pacific Northwest Electric Power Planning and Conservation Act which has a distribution system from which it serves both within and without said region.". 16 USC 837. *Ante*, p. 2697.

ADMINISTRATIVE PROVISIONS

SEC. 9. (a) Subject to the provisions of this Act, the Administrator is authorized to contract in accordance with section 2(f) of the Bonne- 16 USC 839f.

ville Project Act of 1937 (16 U.S.C. 832a(f)). Other provisions of law applicable to such contracts on the effective date of this Act shall continue to be applicable.

(b) The Administrator shall discharge the executive and administrative functions of his office in accordance with the policy established by the Bonneville Project Act of 1937 (16 U.S.C. 832 and following), section 302(a) (2) and (3) of the Department of Energy Organization Act, and this Act. The Secretary of Energy, the Council, and the Administrator shall take such steps as are necessary to assure the timely implementation of this Act in a sound and businesslike manner. Nothing in this Act shall be construed by the Secretary, the Administrator, or any other official of the Department of Energy to modify, alter, or otherwise affect the requirements and directives expressed by the Congress in section 302(a) (2) and (3) of the Department of Energy Organization Act or the operations of such officials as they existed prior to enactment of this Act. 42 USC 7152.

Contracts outside Pacific Northwest, limitations and conditions.

Definitions.

16 USC 837d.

(c) Any contract of the Administrator for the sale or exchange of electric power for use outside the Pacific Northwest shall be subject to limitations and conditions corresponding to those provided in sections 2 and 3 of the Act of August 31, 1964 (16 U.S.C. 837a and 837b) for any contract for the sale, delivery, or exchange of hydroelectric energy or peaking capacity generated within the Pacific Northwest for use outside the Pacific Northwest. In applying such sections for the purposes of this subsection, the term "surplus energy" shall mean electric energy for which there is no market in the Pacific Northwest at any rate established for the disposition of such energy, and the term "surplus peaking capacity" shall mean electric peaking capacity for which there is no demand in the Pacific Northwest at the rate established for the disposition of such capacity. The authority granted, and duties imposed upon, the Secretary by sections 5 and 7 of such Act (16 U.S.C. 837e and 837f) shall also apply to the Administrator in connection with resources acquired by the Administrator pursuant to this Act. The Administrator shall, in making any determination, under any contract executed pursuant to section 5, of the electric power requirements of any Pacific Northwest customer, which is a non-Federal entity having its own generation, exclude, in addition to hydroelectric generated energy excluded from such requirements pursuant to section 3(d) of such Act (16 U.S.C. 837b(d)), any amount of energy included in the resources of such customer for service to firm loads in the region if (1) such amount was disposed of by such customer outside the region, and (2) as a result of such disposition, the firm energy requirements of such customer or other customers of the Administrator are increased. Such amount of energy shall not be excluded, if the Administrator determines that through reasonable measures such amount of energy could not be conserved or otherwise retained for service to regional loads. The Administrator may sell as replacement for any amount of energy so excluded only energy that would otherwise be surplus.

(d) No restrictions contained in subsection (c) shall limit or interfere with the sale, exchange or other disposition of any power by any utility or group thereof from any existing or new non-Federal resource if such sale, exchange or disposition does not increase the amount of firm power the Administrator would be obligated to provide to any customer. In addition to the directives contained in subsections (i)(1)(B) and (i)(3) and subject to:

(1) any contractual obligations of the Administrator,

(2) any other obligations under existing law, and

(3) the availability of capacity in the Federal transmission system,

the Administrator shall provide transmission access, load factoring, storage and other services normally attendant thereto to such utilities and shall not discriminate against any utility or group thereof on the basis of independent development of such resource in providing such services.

Judicial review.

(e)(1) For purposes of sections 701 through 706 of title 5, United States Code, the following actions shall be final actions subject to judicial review—

(A) adoption of the plan or amendments thereto by the Council under section 4, adoption of the program by the Council, and any determination by the Council under section 4(h);

(B) sales, exchanges, and purchases of electric power under section 5;

(C) the Administrator's acquisition of resources under section 6;

(D) implementation of conservation measures under section 6;

(E) execution of contracts for assistance to sponsors under section 6(f);

(F) granting of credits under section 6(h);

(G) final rate determinations under section 7; and

(H) any rule prescribed by the Administrator under section (7)(m)(2) of this Act.

(2) The record upon review of such final actions shall be limited to the administrative record compiled in accordance with this Act. The scope of review of such actions without a hearing or after a hearing shall be governed by section 706 of title 5, United States Code, except that final determinations regarding rates under section 7 shall be supported by substantial evidence in the rulemaking record required by section 7(i) considered as a whole. The scope of review of an action under section 6(c) shall be governed by section 706 of title 5, United States Code. Nothing in this section shall be construed to require a hearing pursuant to section 554, 556, or 557 of title 5 of the United States Code.

(3) Nothing in this section shall be construed to preclude judicial review of other final actions and decisions by the Council or Administrator.

(4) For purposes of this subsection—

(A) major resources shall be deemed to be acquired upon publication in the Federal Register pursuant to section 6(c)(4)(B);

(B) resources, other than major resources, shall be deemed to be acquired upon execution of the contract therefor;

(C) conservation measures shall be deemed to be implemented upon execution of the contract or grant therefor; and

(D) rate determinations pursuant to section 7 shall be deemed final upon confirmation and approval by the Federal Energy Regulatory Commission.

Suits.

16 USC 832-832*l*.

Notice, publication in Federal Register.

(5) Suits to challenge the constitutionality of this Act, or any action thereunder, final actions and decisions taken pursuant to this Act by the Administrator or the Council, or the implementation of such final actions, whether brought pursuant to this Act, the Bonneville Project Act, the Act of August 31, 1964 (16 U.S.C. 837-837h), or the Federal Columbia River Transmission System Act (16 U.S.C. 838 and following), shall be filed in the United States court of appeals for the region. Such suits shall be filed within ninety days of the time such action or decision is deemed final, or, if notice of the action is required by this Act to be published in the Federal Register, within ninety days from

such notice, or be barred. In the case of a challenge of the plan or programs or amendments thereto, such suit shall be filed within sixty days after publication of a notice of such final action in the Federal Register. Such court shall have jurisdiction to hear and determine any suit brought as provided in this section. The plan and program, as finally adopted or portions thereof, or amendments thereto, shall not thereafter be reviewable as a part of any other action under this Act or any other law. Suits challenging any other actions under this Act shall be filed in the appropriate court.

(f) For purposes of enabling the Administrator to acquire resources necessary to meet the firm load of public bodies, cooperatives, and Federal agencies from a governmental unit at a cost no greater than the cost which would be applicable in the absence of such acquisition, the exemption from gross income of interest on certain governmental obligations provided in section 103(a)(1) of the Internal Revenue Code of 1954 shall not be affected by the Administrator's acquisition of such resources if—

26 USC 103.

(1) the Administrator, prior to contracting for such acquisition, certifies to his reasonable belief, that the persons for whom the Administrator is acquiring such resources for sale pursuant to section 5 of this Act are public bodies, cooperatives, and Federal agencies, unless the Administrator also certifies that he is unable to acquire such resources without selling a portion thereof to persons who are not exempt persons (as defined in section 103(b) of such Code), and

(2) based upon such certification, the Secretary of the Treasury determines in accordance with applicable regulations that less than a major portion of the resource is to be furnished to persons who are not exempt persons (as defined in section 103(b) of such Code).

"Major portion."

The certification under paragraph (1) shall be made in accordance with this subsection and a procedure and methodology approved by the Secretary of the Treasury. For purposes of this subsection, the term "major portion" shall have the meaning provided by regulations issued by the Secretary of the Treasury.

(g) When reviewing rates for the sale of power to the Administrator by an investor-owned utility customer under section 5(c) or 6, the Federal Energy Regulatory Commission shall, in accordance with section 209 of the Federal Power Act (16 U.S.C. 824h)—

(1) convene a joint State board, and

(2) invest such board with such duties and authority as will assist the Commission in its review of such rates.

15 USC 79 *et seq.*

(h)(1) No "company" (as defined in section 2(a)(2) of the Public Utility Holding Company Act of 1935; 15 U.S.C. 79b(a)(2)), which owns or operates facilities for the generation of electricity (together with associated transmission and other facilities) primarily for sale to the Administrator under section 6 shall be deemed an "electric utility company" (as defined in section 2(a)(3) of the Public Utility Holding Company Act of 1935; 15 U.S.C. 79b(a)(3)), within the meaning of any provision or provisions of chapter 2C of title 15 of the United States Code, if at least 90 per centum of the electricity generated by such company is sold to the Administrator under section 6, and if—

15 USC 79a.

(A) the organization of such company is consistent with the policies of section 1 (b) and (c) of the Public Utility Holding Company Act of 1935, as determined by the Securities and Exchange Commission, with the concurrence of the Administrator, at the time of such organization; and

(B) participation in any facilities of such "company" has been offered to public bodies and cooperatives in the region pursuant to section 6(m).

(2) The Administrator shall include in any contract for the acquisition of a major resource from such "company" provisions limiting the amount of equity investment, if any, in such "company" to that which the Administrator determines will be consistent with achieving the lowest attainable power costs attributable to such major resource.

Contracts, approval.

(3) In the case of any "company" which meets the requirements of paragraph (1), the Administrator, with the concurrence of such Commission, shall approve all significant contracts entered into by, and between, such "company" and any sponsor company or any subsidiary of such sponsor company which are determined to be consistent with the policies of section 1 (b) and (c) of the Public Utility Holding Company Act of 1935 at the time such contracts are entered into. The Administrator and the Securities and Exchange Commission shall exercise such approval authority within sixty days after receipt of such contracts. Such contracts shall not be effective without such approval.

15 USC 79a.

(4) Paragraph (1) of this subsection shall continue to apply to any such "company" unless the Administrator or the Securities and Exchange Commission, or both, through periodic review, (A) determine at any time that the "company" no longer operates in a manner consistent with the policies of section 1 (b) and (c) of the Public Utility Holding Company Act of 1935 and in accordance with this subsection, and (B) notify the "company" in writing of such preliminary determination. This subsection shall cease to apply to such "company" thirty days after receipt of notification of a final determination thereof. A final determination shall be made only after public notice of the preliminary determination and after a hearing completed not later than sixty days from the date of publication of such notice. Such final determination shall be made within thirty days after the date of completion of such hearing.

Notice and hearing.

(i)(1) At the request and expense of any customer or group of customers of the Administrator within the Pacific Northwest, the Administrator shall, to the extent practicable—

(A) acquire any electric power required by (i) any customer or group of customers to enable them to replace resources determined to serve firm load under section 5(b), or (ii) direct service industrial customers to replace electric power that is or may be curtailed or interrupted by the Administrator (other than power the Administrator is obligated to replace), with the cost of such replacement power to be distributed among the direct service industrial customers requesting such power; and

(B) dispose of, or assist in the disposal of, any electric power that a customer or group of customers proposes to sell within or without the region at rates and upon terms specified by such customer or group of customers, if such disposition is not in conflict with the Administrator's other marketing obligations and the policies of this Act and other applicable laws.

Electric power acquisition, policies and conditions.

(2) In implementing the provisions of subparagraphs (A) and (B) of paragraph (1), the Administrator may prescribe policies and conditions for the independent acquisition or disposition of electric power by any direct service industrial customer or group of such customers for the purpose of assuring each direct service industrial customer an opportunity to participate in such acquisition or disposition.

(3) The Administrator shall furnish services including transmission, storage, and load factoring unless he determines such services cannot be furnished without substantial interference with his power marketing program, applicable operating limitations or existing contractual obligations. The Administrator shall, to the extent practicable, give priority in making such services available for the marketing, within and without the Pacific Northwest, of capability from projects under construction on the effective date of this Act, if such capability has been offered for sale at cost, including a reasonable rate of return, to the Administrator pursuant to this Act and such offer is not accepted within one year.

Report.

(j)(1) The Council, as soon as practicable after the enactment of this Act, shall prepare, in consultation with the Administrator, the customers, appropriate State regulatory bodies, and the public, a report and shall make recommendations with respect to the various retail rate designs which will encourage conservation and efficient use of electric energy and the installation of consumer-owned renewable resources on a cost-effective basis, as well as areas for research and development for possible application to retail utility rates within the region. Studies undertaken pursuant to this subsection shall not affect the responsibilities of any customer or the Administrator which may exist under the Public Utility Regulatory Policies Act of 1978.

16 USC 2601 note.
Functions.

(2) Upon request, and solely on behalf of customers so requesting, the Administrator is authorized to (A) provide assistance in analyzing and developing retail rate structures that will encourage cost-effective conservation and the installation of cost-effective consumer-owned renewable resources; (B) provide estimates of the probable power savings and the probable amount of billing credits under section 6(h) that might be realized by such customers as a result of adopting and implementing such retail rate structures; and (C) solicit additional information and analytical assistance from appropriate State regulatory bodies and the Administrator's other customers.

Conservation and renewable resources, position establishment.

(k) There is hereby established within the administration an executive position for conservation and renewable resources. Such executive shall be appointed by the Administrator and shall be assigned responsibility for conservation and direct-application renewable resource programs (including the administration of financial assistance for such programs). Such position is hereby established in the senior executive service in addition to the number of such positions heretofore established in accordance with other provisions of law applicable to such positions.

SAVINGS PROVISIONS

16 USC 839g.

SEC. 10. (a) Nothing in this Act shall be construed to affect or modify any right of any State or political subdivision thereof or electric utility to—

(1) determine retail electric rates, except as provided by section 5(c)(3);

(2) develop and implement plans and programs for the conservation, development, and use of resources; or

(3) make energy facility siting decisions, including, but not limited to, determining the need for a particular facility, evaluating alternative sites, and considering alternative methods of meeting the determined need.

(b) Nothing in this Act shall alter, diminish, or abridge the rights and obligations of the Administrator or any customer under any contract existing as of the effective date of this Act.

(c) Nothing in this Act shall alter, diminish, abridge, or otherwise affect the provisions of other Federal laws by which public bodies and cooperatives are entitled to preference and priority in the sale of federally generated electric power.

(d) If any provision of this Act is found to be unconstitutional, then any contract entered into by the Administrator, prior to such finding and in accordance with such provisions, to sell power, acquire or credit resources, or to reimburse investigation and preconstruction expenses pursuant to section 5, and section 6 (a), (f) or (h) of this Act shall not be affected by such finding.

(e) Nothing in this Act shall be construed to affect or modify any treaty or other right of an Indian tribe.

(f) The reservation under law of electric power primarily for use in the State of Montana by reason of the construction of Hungry Horse and Libby Dams and Reservoirs within that State is hereby affirmed. Such reservation shall also apply to 50 per centum of any electric power produced at Libby Reregulating Dam if built. Electric power so reserved shall be sold at the rate or rates set pursuant to section 7.

(g) Nothing in this Act shall be construed to affect or modify the right of any State to prohibit utilities regulated by the appropriate State regulatory body from recovering, through their retail rates, costs during any period of resource construction.

Water appropriation.

(h) Nothing in this Act shall be construed as authorizing the appropriation of water by any Federal, State, or local agency, Indian tribe, or any other entity or individual. Nor shall any provision of this Act of any plan or program adopted pursuant to the Act (1) affect the rights or jurisdictions of the United States, the States, Indian tribes, or other entities over waters of any river or stream or over any groundwater resource, (2) alter, amend, repeal, interpret, modify, or be in conflict with any interstate compact made by the States, or (3) otherwise be construed to alter or establish the respective rights of States, the United States, Indian tribes, or any person with respect to any water or water-related right.

(i) Nothing in this Act shall be construed to affect the validity of any existing license, permit, or certificate issued by any Federal agency pursuant to any other Federal law.

EFFECTIVE DATE

16 USC 839 note.

SEC. 11. This Act shall be effective on the date of enactment, or October 1, 1980, whichever is later. For purposes of this Act, the term "date of the enactment of this Act" means such date of enactment or October 1, 1980, whichever is later.

SEVERABILITY

16 USC 839h.

SEC. 12. If any provision of section 4(a) through (c) of this Act or any other provision of this Act or the application thereof to any person, State, Indian tribe, entity, or circumstance is held invalid, neither the remainder of section 4 or any other provisions of this Act, nor the application of such provisions to other persons, States, Indian tribes, entities, or circumstances, shall be affected thereby.

Approved December 5, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-976, Pt. I (Comm. on Interstate and Foreign Commerce) and Pt. II (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 96-272 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD:
Vol. 125 (1979): Aug. 3, considered and passed Senate.
Vol. 126 (1980): Sept. 24, 29, Nov. 12-14, 17, considered and passed House, amended, in lieu of H.R. 8157.
Nov. 19, Senate concurred in House amendment.

Public Law 96-502
96th Congress

An Act

To amend the Safe Drinking Water Act, and for other purposes.

Dec. 5, 1980
[H.R. 8117]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Safe Drinking Water Act, amendment.
42 USC 300g-5.

SECTION 1. Section 1416(b)(2) of the Public Health Service Act is amended by striking out "1981" in subparagraph (A)(i) thereof and substituting "1984" and by striking out "1983" in subparagraph (B)(i) thereof and substituting "1986".

SEC. 2. (a) Part C of title XIV of the Public Health Service Act is amended by adding the following at the end thereof:

"OPTIONAL DEMONSTRATION BY STATES RELATING TO OIL OR NATURAL GAS

42 USC 300h-4.
42 USC 300h-1.

"SEC. 1425. (a) For purposes of the Administrator's approval or disapproval under section 1422 of that portion of any State underground injection control program which relates to—

"(1) the underground injection of brine or other fluids which are brought to the surface in connection with oil or natural gas production, or

"(2) any underground injection for the secondary or tertiary recovery of oil or natural gas,

in lieu of the showing required under subparagraph (A) of section 1422(b)(1) the State may demonstrate that such portion of the State program meets the requirements of subparagraphs (A) through (D) of section 1421(b)(1) and represents an effective program (including adequate recordkeeping and reporting) to prevent underground injection which endangers drinking water sources.

42 USC 300h.

"(b) If the Administrator revises or amends any requirement of a regulation under section 1421 relating to any aspect of the underground injection referred to in subsection (a), in the case of that portion of a State underground injection control program for which the demonstration referred to in subsection (a) has been made, in lieu of the showing required under section 1422(b)(1)(B) the State may demonstrate that, with respect to that aspect of such underground injection, the State program meets the requirements of subparagraphs (A) through (D) of section 1421(b)(1) and represents an effective program (including adequate recordkeeping and reporting) to prevent underground injection which endangers drinking water sources.

42 USC 300h-1.
42 USC 300h.

"(c)(1) Section 1422(b)(3) shall not apply to that portion of any State underground injection control program approved by the Administrator pursuant to a demonstration under subsection (a) of this section (and under subsection (b) of this section where applicable).

Enforcement.

"(2) If pursuant to such a demonstration, the Administrator approves such portion of the State program, the State shall have primary enforcement responsibility with respect to that portion until such time as the Administrator determines, by rule, that such demonstration is no longer valid. Following such a determination, the Administrator may exercise the authority of subsection (c) of section 1422 in the same manner as provided in such subsection with respect to a determination described in such subsection. 42 USC 300h-1.

Rules. "(3) Before promulgating any rule under paragraph (2), the Administrator shall provide opportunity for public hearing respecting such rule.".

42 USC 300h-2. (b) Section 1423(a)(1) of such Act is amended by inserting after "(within the meaning of section 1422(b)(3)" the following: "or section 1425(c)".

42 USC 300j-2. (c) Section 1443(c)(2) of title XIV of the Public Health Service Act is amended by inserting the following at the end thereof: "Such term includes, where applicable, a program which meets the requirements of section 1425.".

42 USC 300h. SEC. 3. Section 1421(d)(1) of the Public Health Service Act is amended by adding the following at the end thereof: "Such term does not include the underground injection of natural gas for purposes of storage.".

42 USC 300g-4. SEC. 4. (a) Section 1415 of the Public Health Service Act is amended by inserting the following section heading at the beginning of such section: "Variances".

42 USC 300g-5. (b) Section 1416(a)(2) of the Public Health Service Act is amended by inserting immediately after "requirement," the following: "or, for a system that was not in operation by that date, only if no reasonable alternative source of drinking water is available to such new system,".

42 USC 300h. (c) Section 1421(b)(1)(A) of the Public Health Service Act is amended by striking out "effective three years after the date of the enactment of this title," and inserting in lieu thereof the following: "effective on the date on which the applicable underground injection control program takes effect,".

42 USC 300j-2. (d) Section 1443(b)(2) of the Public Health Service Act is amended by striking out the second and third sentences therein and inserting in lieu thereof the following: "No grant may be made to any State under paragraph (1) unless the State has assumed primary enforcement responsibility within two years after the date the Administrator promulgates regulations for State underground injection control programs under section 1421.".

42 USC 300j-1. SEC. 5. Section 1442 of title XIV of the Public Health Service Act is amended by inserting the following new subsection after subsection (d) and by redesignating subsection (e) as (f):

"(e) The Administrator is authorized to make grants to a public water system which is required, under State or local law, to meet standards relating to drinking water turbidity which are more stringent than the standards in effect pursuant to this title. Such grants shall be used by the public water system for the development and demonstration (including construction and installation) of any water filtration system which will demonstrate a new or improved method of meeting such more stringent standards.".

Grants.

Approved December 5, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1348 (Comm. on Interstate and Foreign Commerce).
CONGRESSIONAL RECORD, Vol. 126 (1980):
Sept. 22, 23, considered and passed House.
Nov. 19, considered and passed Senate.

Public Law 96-503
96th Congress

Joint Resolution

Dec. 5, 1980
[H.J. Res. 634]

To authorize the United States Secret Service to continue to furnish protection to the former Vice President or his spouse.

Former Vice President or spouse, Secret Service protection.
18 USC 3056 note.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Secret Service, in addition to other duties now provided by law, is authorized to furnish protection to (a) the person occupying the Office of Vice President of the United States immediately preceding January 20, 1981, or (b) his spouse, if the President determines that such person may thereafter be in significant danger: *Provided, however,* That protection of any such person shall continue only for such period as the President determines and shall not continue beyond July 20, 1981, unless otherwise permitted by law.

Approved December 5, 1980.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 126 (1980):
Nov. 21, considered and passed House and Senate.

Public Law 96-504
96th Congress

An Act

To amend chapter 83 of title 5, United States Code, to discontinue civil service annuity payments for periods of employment as a justice or judge of the United States, and for other purposes.

Dec. 5, 1980
[H.R. 2583]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8344 of title 5, United States Code, relating to annuities and payment on reemployment, is amended by adding at the end thereof the following new subsections:

Employment as U.S. justice or judge, annuity payment discontinuance.

"(f) Notwithstanding the provisions of subsection (a) of this section, if an annuitant receiving annuity from the Fund, except a Member receiving annuity from the Fund, becomes employed as a justice or judge of the United States, as defined by section 451 of title 28, annuity payments are discontinued during such employment and are resumed in the same amount upon resignation or retirement from regular active service as such a justice or judge.

28 USC 451.

"(g) A former employee or a former Member who becomes employed as a justice or judge of the United States, as defined by section 451 of title 28, may, at any time prior to resignation or retirement from regular active service as such a justice or judge, apply for and be paid, in accordance with section 8342(a) of this title, the amount (if any) by which the lump-sum credit exceeds the total annuity paid, notwithstanding the time limitation contained in such section for filing an application for payment.".

5 USC 8342.

Lump-sum refund, redeposit.
5 USC 8342 note.
5 USC 8331.

SEC. 2. A present or former justice or judge of the United States, as defined by section 451 of title 28, United States Code, who, prior to the effective date of this section, voided his right to receive an annuity under subchapter III of chapter 83 of title 5, United States Code, by applying for and receiving a refund of his lump-sum credit while serving as such a justice or judge may, upon application filed with the Office of Personnel Management within one year following the effective date of this section, redeposit such refund with interest computed under section 8334(e) of such title 5 and thereby reestablish his right to receive an annuity under such subchapter effective on the date he otherwise was eligible to receive an annuity. The surviving spouse of any such justice or judge who dies before the effective date of this section may apply to make such redeposit within one year following the effective date of this section and receive both (1) the amount of the annuity which the justice or judge would have been entitled to receive before his death had application been made by him for the annuity and (2) any survivor annuity the justice or judge could have provided under the provisions of law in effect at the time of separation from the service on which title to the annuity is based.

5 USC 8334.

Surviving spouse, redeposit rights.

Surviving spouse, annuity payment.
28 USC 376 note.

SEC. 3. (a) As of the first pay period beginning after the effective date of this Act, a surviving spouse, other than a surviving spouse who has remarried, of any Justice of the United States (as defined by section 451 of title 28, United States Code), who died before October 19, 1976, shall be paid an annuity in accordance with the provisions of section 376 of title 28, United States Code, at a rate of $20,000 per year as if such Justice had elected to come within the provisions of, and having made the full deposit required by, section 376(d) of title 28, United States Code.

(b) Notwithstanding the provisions of section 376(h) of title 28, United States Code, such annuity shall be payable as provided in section 376(m) of title 28, United States Code, until the date of the death of any such spouse.

Judicial Survivors' Annuities Fund.
28 USC 376 note.

SEC. 4. (a) The Secretary of the Treasury shall determine, as of the effective date of this Act, in consultation with the Director of the Administrative Office of the United States Courts, the amount necessary to offset any actuarial deficiency in the Judicial Survivors' Annuities Fund, and, at the earliest time thereafter at which appropriated sums in that amount become available, the Secretary shall deposit such sums in a single payment into such Judicial Survivors' Annuities Fund.

Appropriation authorization.

(b) There are authorized to be appropriated such sums as may be necessary to carry out this section.

Repeal.

SEC. 5. Section 375 of title 28, United States Code, is repealed.

Effective date.
5 USC 8344 note.

SEC. 6. (a) The provisions of this Act shall take effect on—

(1) the date of the enactment of this Act, or

(2) October 1, 1980,

whichever date is later.

(b) The provisions of subsection (f) of section 8344 of title 5, United States Code, as added by the first section of this Act, shall apply only to an individual who becomes employed as a justice or judge of the United States on or after the effective date of this Act. The provisions of subsection (g) of such section, as added by the first section of this Act, shall apply to an individual employed as a justice or judge of the United States on the effective date of this Act and to an individual appointed as such a justice or judge on or after such effective date.

Approved December 5, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-467, Pt. 1 (Comm. on Post Office and Civil Service) and Pt. 2 (Comm. on Appropriations).
SENATE REPORT No. 96-905 (Comm. on Governmental Affairs).
CONGRESSIONAL RECORD:
Vol. 125 (1979): Oct. 29, considered and passed House.
Vol. 126 (1980): Oct. 1, considered and passed Senate, amended.
Nov. 21, House concurred in Senate amendments.

Public Law 96-505
96th Congress

An Act

To provide for the removal of the names of certain Alaska Natives from the Alaska Native Roll and to allow their enrollment with the Metlakatla Indian Community.

Dec. 5, 1980
[H.R. 5108]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Metlakatla Indian Community Enrollment Act of 1980."

Metlakatla Indian Community Enrollment Act of 1980.
43 USC 1601 note.

SEC. 2. Any Native whose name appears on the Alaska Native Roll established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688) who is now or hereafter enrolled by the Metlakatla Indian Community, and who requests removal of his name from the Alaska Native Roll on a form approved by the Secretary of the Interior, shall have his name removed from the roll after receipt by the Secretary of the properly executed form and verification of his enrollment to the Metlakatla Indian Community, and shall no longer be entitled to benefits under the Alaska Native Claims Settlement Act, effective at the beginning of the next fiscal quarter after such receipt and verification. The Secretary shall notify the appropriate Native Corporations of the removal of the name from the roll. A Native who is or has been enrolled to the Metlakatla Indian Community must make his request for the removal of his name from the roll within two years after the date of the enactment of this Act, except that any such Native who is a minor may make his request any time within two years after he attains the age of eighteen years. A Native who is not and has not been enrolled to the Metlakatla Indian Community must make his request at the time he applies for enrollment to the Metlakatla Indian Community, except that any such Native who is a minor may make his request any time within two years after he attains the age of eighteen years.

Notification to Native Corporations.
Removal from roll, request.

SEC. 3. Stock previously issued by any Native Corporation established pursuant to the Alaska Native Claims Settlement Act to any Native who still retains the stock and whose name is removed from the Alaska Native Roll hereunder shall, upon the removal of the Native's name, be canceled by the issuing corporation without liability to it or to the Native. Stock of any such Native Corporation which is obtained in any manner, other than by gift or inheritance, and owned by any Native enrolled to the Metlakatla Indian Community may be canceled by the issuing corporation upon request of the Native without liability to it or to the Native.

Stock cancellation

Land entitlements.

43 USC 1601 note.

Sec. 4. Removal of the name of a Native from the Alaska Native Roll pursuant to the provisions of this Act shall not be construed as increasing or decreasing regional or village enrollments for purposes of land entitlements pursuant to the Alaska Claims Settlement Act.

Approved December 5, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT: No. 96-1405 (Comm. on Interior and Insular Affairs).
CONGRESSIONAL RECORD, Vol. 126 (1980):
Nov. 17, considered and passed House.
Nov. 20, considered and passed Senate.

Public Law 96-506
96th Congress

An Act

To amend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965 to extend the authorization for such Acts for two additional years.

Dec. 8, 1980
[S. 3152]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 et seq.) is amended as follows:

Public Works and Economic Development Act of 1965, amendment.
Appalachian Regional Development Act of 1965, amendment.

(1) The first sentence of section 102 is amended by striking out "and September 30, 1979," and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982,".

42 USC 3132.

(2) Section 105 is amended by striking out "and September 30, 1979." at the end of the first sentence and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.". Section 105 is further amended by striking out "and September 30, 1979," in the third sentence thereof and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982,".

42 USC 3135.

(3) Section 201(c) is amended by striking out "and September 30, 1979." at the end thereof and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.".

42 USC 3141.

(4) Section 204(c) is amended by striking out "and September 30, 1979." and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.".

42 USC 3144.

(5) Section 303(a) is amended by striking out "and September 30, 1979." and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.". Section 303(b) is amended by striking out "and September 30, 1979," and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982,".

42 USC 3152.

(6) The first sentence of section 304(a) is amended by striking out "and September 30, 1979," and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982,".

42 USC 3153.

(7) Section 403(g) is amended by striking out "and September 30, 1979," and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982,".

42 USC 3171.

(8) Section 404 is amended by striking out "and September 30, 1979," and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982,".

42 USC 3172.

(9) Section 509(d)(1) is amended by striking out "and September 30, 1979," and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982,". Section 509(d)(2) is amended by striking out "and Septem-

42 USC 3188a.

ber 30, 1979," and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982,".

42 USC 3245.

(10) Section 905 is amended by striking out "and September 30, 1979." and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.".

42 USC 3246g.

(11) Section 1007 is amended by striking out "September 30, 1979." and inserting in lieu thereof "September 30, 1982.".

42 USC 3162 note.

SEC. 2. Section 2 of the Act entitled "An Act to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for titles I through IV through fiscal year 1971", approved July 6, 1970 (Public Law 91-304), as amended, is amended by striking out "September 30, 1979," and inserting in lieu thereof "September 30, 1982,".

SEC. 3. The Appalachian Regional Development Act of 1965 is amended as follows:

40 USC app. 105.

(1) Section 105(b) is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and not to exceed $6,700,000 for the two-fiscal-year period ending September 30, 1981 (of such amount not to exceed $1,100,000 shall be available for expenses of the Federal cochairman, his alternate, and his staff), and not to exceed $3,350,000 for the fiscal year ending September 30, 1982 (of such amount not to exceed $550,000 shall be available for expenses of the Federal cochairman, his alternate, and his staff).".

40 USC app. 106.

(2) Section 106(7) is amended by striking out "1979" and inserting in lieu thereof "1982".

40 USC app. 201.

(3) Section 201(g) is amended by striking out "and $170,000,000" and inserting in lieu thereof "$215,000,000" and by inserting before the period at the end of such section the following: "; and $215,000,000 for fiscal year 1982".

40 USC app. 214.

(4) Section 214(c) is amended by striking out "1978" and inserting in lieu thereof "1980".

40 USC app. 401.

(5) Section 401 is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and $300,000,000 for the two-fiscal-year period ending September 30, 1981, and $140,000,000 for the fiscal year ending September 30, 1982.".

40 USC app. 405.

(6) Section 405 is amended by striking out "1979" and inserting in lieu thereof "1982".

Approved December 8, 1980.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 126 (1980):
Sept. 26, considered and passed Senate.
Nov. 20, considered and passed House, amended; Senate concurred in House amendment.

Public Law 96-507
96th Congress

An Act

To repeal section 506 of the Communications Act of 1934.

Dec. 8, 1980
[H.R. 4892]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title V of the Communications Act of 1934 (47 U.S.C. 501 et seq.) is amended by striking out section 506, and by redesignating section 507 through section 509 as section 506 through section 508, respectively.

Communications Act of 1934, amendment. Repeal. 47 U.S.C. 506, 507-509.

Sec. 2. (a) Section 317(b) of the Communications Act of 1934 (47 U.S.C. 317(b)) is amended by striking out "section 508" and inserting in lieu thereof "section 507".

(b) Section 503(b) of the Communications Act of 1934 (47 U.S.C. 503(b)) is amended—

(1) by striking out "509(a)" and inserting in lieu thereof "508(a)"; and

(2) by striking out "section 507" and inserting in lieu thereof "section 506".

(c) Section 504(b) of the Communications Act of 1934 (47 U.S.C. 504(b)) is amended by striking out "507" and inserting in lieu thereof "506".

Approved December 8, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT: No. 96-1378 (Comm. on Interstate and Foreign Commerce).
CONGRESSIONAL RECORD, Vol. 126 (1980):
Sept. 30, Oct. 1, considered and passed House.
Nov. 21, considered and passed Senate.

Public Law 96-508
96th Congress

An Act

Dec. 8, 1980
[S. 2352]

To increase the authorization for the Council on Wage and Price Stability, to extend the duration of such Council, and for other purposes.

Council on Wage and Price Stability, appropriation authorization and extension.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 2(b) of the Council on Wage and Price Stability Act (12 U.S.C. 1904 note) is amended by striking out the last sentence thereof and inserting in lieu thereof the following: "The Council shall be headed by a Chairperson who shall be appointed by the President, by and with the advise and consent of the Senate.".

12 USC 1904 note.

(b) The amendments made by subsection (a) shall apply only to individuals who are appointed, on or after the date of the enactment of this Act, as Chairperson of the Council on Wage and Price Stability.

Inflation reduction proposals, review.
12 USC 1904 note.
Report to Congress.

SEC. 2. Section 3(c) of the Council on Wage and Price Stability Act is amended to read as follows:

"(c) The Council shall review proposals which have been made for reducing inflation through tax-based incomes policies and shall submit a report containing its findings, along with recommendations and legislative proposals for such policies, to the Congress not later than January 15, 1981. Such review shall include, but not be limited to, tax-based incomes policies designed to provide incentives for compliance with wage, price, or profit-margin guidelines that could be provided through changes in personal income taxes, corporate income taxes, investment tax credits, or depreciation allowances. The Council shall also review the impact on inflation that might result from supply side income tax reductions and include in the report required by this subsection its findings pursuant to such review.".

12 USC 1904 note.

SEC. 3. Section 5 of the Council on Wage and Price Stability Act is amended by striking out "on a quarterly basis and not later than thirty days after the close of each calendar quarter" and inserting in lieu thereof "on an annual basis".

12 USC 1904 note.

SEC. 4. Section 6 of the Council on Wage and Price Stability Act is amended by striking out "not to exceed" and all that follows through the end thereof and inserting in lieu thereof "not to exceed $9,770,000 for the fiscal year ending September 30, 1981.".

12 USC 1904 note.

SEC. 5. Section 7 of the Council on Wage and Price Stability Act is amended by striking out "September 30, 1980" and inserting in lieu thereof "September 30, 1981".

Price guideline.
12 USC 1904 note.

SEC. 6. Section 3 of the Council on Wage and Price Stability Act is amended by adding at the end thereof the following:

"(d) The Council shall not prescribe an annual average price increase guideline lower than the percentage obtained by subtracting the average annual growth in nonfarm output per man-hour in the private sector since 1973, as measured by the Bureau of Labor Statistics and stated as a percentage, from the average annual wage increase permitted under the voluntary wage standard, stated as a percentage.".

SEC. 7. (a) Section 3 of the Council on Wage and Price Stability Act is amended by adding at the end thereof the following:

Federal regulations review, personnel increase.
12 USC 1904 note.

"(e) For the fiscal year ending September 30, 1981, the Council shall increase the number of positions which involve the review of proposed and existing Federal regulations by 50 per centum, over the number of positions allocated for such purpose for the fiscal year 1980. In conducting such review, the Council shall identify those regulations which have the greatest inflationary impact on the economy or on specific industry sectors, consistent with subsection (a)(8).".

Annual report.
12 USC 1904 note.

(b) Section 5 of such Act is amended by adding at the end thereof the following: "The annual report shall also contain an evaluation of the inflationary impact reviews undertaken by the Council in the previous year pursuant to section 3(e), including a listing and description of all regulatory proceedings in which the Council participated, the Council's recommended action, the projected cost of each such regulation, the cumulative inflationary impact of such regulations and the final disposition of each such regulatory proceeding.".

Office of Productivity, establishment.
12 USC 1904 note.

SEC. 8. Section 2 of the Council on Wage and Price Stability Act is amended by adding at the end thereof the following new subsection:

12 USC 1904 note.
Report to Congress.

"(h) The Director shall establish an Office of Productivity which shall have as its prime responsibility improving private-sector productivity in the United States. Such office shall evaluate the impact of government regulations on productivity, shall inventory and evaluate Federal programs designed to improve productivity, and shall analyze the effects on United States productivity of the factors cited in section 3(a)(9) of this Act. The Office of Productivity shall annually issue a report to Congress containing the results of such evaluations, steps appropriate to improve the effectiveness of such Federal programs, and recommendations of new Federal programs and policies to increase private-sector productivity growth.".

SEC. 9. The Credit Control Act is amended by adding at the end thereof the following:

12 USC 1910.

"Sec. 211. Termination

"The authority conferred by this title expires at the close of June 30, 1982.".

2 USC 60a note.

SEC. 10. In the fiscal year beginning October 1, 1980, the aggregate amount of funds made available to the Senate shall not exceed 90 per centum of the aggregate amount of the funds made available for such purposes for the fiscal year beginning on October 1, 1979.

Approved December 8, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-972 accompanying H.R. 6777 (Comm. on Banking, Finance, and Urban Affairs).
SENATE REPORT No. 96-729 (Comm. on Banking, Housing, and Urban Affairs).
CONGRESSIONAL RECORD, Vol. 126 (1980):
June 2, considered and passed Senate.
Sept. 24, H.R. 6777 considered and passed House.
Sept. 30, H.R. 6777 considered and passed Senate, amended.
Oct. 1, S. 2352 considered and passed House, amended.
Nov. 20, Senate concurred in House amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 16, No. 50:
Dec. 9, Presidential statement.

Public Law 96-509
96th Congress

An Act

Dec. 8, 1980
[S. 2441]

To amend the Juvenile Justice and Delinquency Prevention Act of 1974 to extend the authorization of appropriations for such Act, and for other purposes.

Juvenile Justice Amendments of 1980.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

42 USC 5601 note.

SECTION 1. This Act may be cited as the "Juvenile Justice Amendments of 1980".

AUTHORIZATION OF APPROPRIATIONS

SEC. 2. (a) Section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671(a)) is amended—

(1) by striking out "$150,000,000" and all that follows through "1979, and"; and

(2) by striking out "for the fiscal year ending September 30, 1980" and inserting in lieu thereof "for each of the fiscal years ending September 30, 1981, September 30, 1982, September 30, 1983, and September 30, 1984".

(b) Section 341(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5751(a)) is amended by striking out "June 30, 1975" and all that follows through "1980" and inserting in lieu thereof the following: "September 30, 1981, September 30, 1982, September 30, 1983, and September 30, 1984".

FINDINGS

SEC. 3. Section 101(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601(a)) is amended—

(1) in paragraph (4) thereof, by inserting "alcohol and other" after "abuse";

(2) in paragraph (6) thereof, by striking out "and" at the end thereof;

(3) in paragraph (7) thereof, by striking out the period at the end thereof and inserting in lieu thereof "; and"; and

(4) by adding at the end thereof the following new paragraph:

"(8) the juvenile justice system should give additional attention to the problem of juveniles who commit serious crimes, with particular attention given to the areas of sentencing, providing resources necessary for informed dispositions, and rehabilitation.".

PURPOSE

SEC. 4. (a) Section 102(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5602(a)) is amended—

(1) in paragraph (6) thereof, by striking out "and" at the end thereof;

(2) in paragraph (7) thereof, by striking out the period at the end thereof and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(8) to assist State and local governments in removing juveniles from jails and lockups for adults.".

(b) Section 102(b)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5602(b)(1)) is amended by inserting before the semicolon at the end thereof the following: ", including methods with a special focus on maintaining and strengthening the family unit so that juveniles may be retained in their homes".

DEFINITIONS

Sec. 5. (a) Section 103(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(1)) is amended by inserting "special education," after "training,".

(b) Section 103(4) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(4)) is amended to read as follows:

"(4)(A) the term 'Office of Justice Assistance, Research, and Statistics' means the office established by section 801(a) of the Omnibus Crime Control and Safe Streets Act of 1968; 42 USC 3781.

"(B) the term 'Law Enforcement Assistance Administration' means the administration established by section 101 of the Omnibus Crime Control and Safe Streets Act of 1968; 42 USC 3711.

"(C) the term 'National Institute of Justice' means the institute established by section 202(a) of the Omnibus Crime Control and Safe Streets Act of 1968; and 42 USC 3722.

"(D) the term 'Bureau of Justice Statistics' means the bureau established by section 302(a) of the Omnibus Crime Control and Safe Streets Act of 1968;". 42 USC 3732.

(c) Section 103(7) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(7)) is amended by striking out "and any territory or possession of the United States" and inserting in lieu thereof "the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands".

(d) Section 103(9) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(9)) is amended by striking out "law enforcement" and inserting in lieu thereof "juvenile justice and delinquency prevention".

(e) Section 103(12) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(12)) is amended to read as follows:

"(12) the term 'secure detention facility' means any public or private residential facility which—

"(A) includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and

"(B) is used for the temporary placement of any juvenile who is accused of having committed an offense, of any nonoffender, or of any other individual accused of having committed a criminal offense;".

(f) Section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603) is amended—

(1) by redesignating paragraph (13) as paragraph (15); and

(2) by inserting after paragraph (12) the following new paragraphs:

"(13) the term 'secure correctional facility' means any public or private residential facility which—

"(A) includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and

"(B) is used for the placement, after adjudication and disposition, of any juvenile who has been adjudicated as having committed an offense, any nonoffender, or any other individual convicted of a criminal offense;

"(14) the term 'serious crime' means criminal homicide, forcible rape, mayhem, kidnapping, aggravated assault, robbery, larceny or theft punishable as a felony, motor vehicle theft, burglary or breaking and entering, extortion accompanied by threats of violence, and arson punishable as a felony; and".

42 USC 5603.

(g) Section 103(15) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in subsection (f)(1), is amended—

(1) by inserting "special education," after "educational,"; and

(2) by striking out "and benefit the addict" and all that follows through ", and his" and inserting in lieu thereof ", including services designed to benefit addicts and other users by eliminating their dependence on alcohol or other addictive or nonaddictive drugs or by controlling their dependence and".

OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 6. (a) Section 201(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(a)) is amended by striking out "Law Enforcement Assistance Administration" and inserting in lieu thereof "under the general authority of the Attorney General".

(b) Section 201(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(d)) is amended—

(1) in the first sentence thereof, by striking out "direction of" and all that follows through "Administration" and inserting in lieu thereof "general authority of the Attorney General";

(2) in the second sentence thereof, by striking out ", subject to the direction of the Administrator,", and by inserting "prescribe regulations for," before "award";

(3) in the third sentence thereof—

(A) by inserting "of the Law Enforcement Assistance Administration and the Director of the National Institute of Justice" after "Administrator" the first place it appears therein; and

(B) by inserting "of the Office of Juvenile Justice and Delinquency Prevention" after "Administrator" the last place it appears therein; and

(4) by striking out the last sentence thereof.

(c) Section 201(e) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(e)) is amended by striking out "Administrator of the Law Enforcement Assistance Administration" and inserting in lieu thereof "Attorney General".

(d) Section 201(f) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(f)) is amended by striking out "Administrator" the last place it appears therein and inserting in lieu thereof "Attorney General".

CONCENTRATION OF FEDERAL EFFORTS

SEC. 7. (a) Section 204(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(b)) is amended—

(1) by striking out ", with the assistance of the Associate Administrator,"; and

(2) in paragraph (6) thereof, by inserting "and training assistance" after "technical assistance".

(b) Section 204 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614) is amended by adding at the end thereof the following new subsection:

Appropriation authorization.

"(m) To carry out the purposes of this section, there is authorized to be appropriated for each fiscal year an amount which does not exceed 7.5 percent of the total amount appropriated to carry out this title.".

COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 8. (a) Section 206(a)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(a)(1)) is amended—

(1) by inserting "the Secretary of Education, the Secretary of Housing and Urban Development, the Director of the Community Services Administration," after "Secretary of Labor,"; and

(2) by striking out "the Secretary of Housing and Urban Development," and inserting in lieu thereof "the Director of the Bureau of Prisons, the Commissioner of the Bureau of Indian Affairs, the Director for the Office of Special Education and Rehabilitation Services, the Commissioner for the Administration for Children, Youth, and Families, and the Director of the Youth Development Bureau,".

(b) Section 206(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(c)) is amended—

(1) by striking out "the Attorney General and";

(2) by inserting ", and to the Congress," after "President"; and

Review and recommendations.

(3) by adding at the end thereof the following new sentence: "The Council shall review, and make recommendations with respect to, any joint funding proposal undertaken by the Office of Juvenile Justice and Delinquency Prevention and any agency represented on the Council.".

(c) Section 206(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(d)) is amended by striking out "a minimum of four times per year" and inserting in lieu thereof "at least quarterly".

(d) Section 206(e) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(e)) is amended by striking out "may" and inserting in lieu thereof "shall".

(e) Section 206(g) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(g)) is amended by inserting ", not to exceed $500,000 for each fiscal year" before the period at the end thereof.

NATIONAL ADVISORY COMMITTEE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

42 USC 5617, 5618, 5619.

SEC. 9. Part A of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by striking out section 207, section 208, and section 209, and inserting in lieu thereof the following new section:

"NATIONAL ADVISORY COMMITTEE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Establishment and membership.
42 USC 5617.

"SEC. 207. (a)(1) There is hereby established a National Advisory Committee for Juvenile Justice and Delinquency Prevention (hereinafter in this Act referred to as the 'Advisory Committee') which shall consist of 15 members appointed by the President.

"(2) Members shall be appointed who have special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice, such as juvenile or family court judges; probation, correctional, or law enforcement personnel; representatives of private, voluntary organizations and community-based programs, including youth workers involved with alternative youth programs; and persons with special training or experience in addressing the problems of youth unemployment, school violence and vandalism, and learning disabilities.

"(3) At least 5 of the individuals appointed as members of the Advisory Committee shall not have attained 24 years of age on or before the date of their appointment. At least 2 of the individuals so appointed shall have been or shall be (at the time of appointment) under the jurisdiction of the juvenile justice system. The Advisory Committee shall contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system.

"(4) The President shall designate the Chairman from members appointed to the Advisory Committee. No full-time officer or employee of the Federal Government may be appointed as a member of the Advisory Committee, nor may the Chairman be a full-time officer or employee of any State or local government.

Terms.

"(b)(1) Members appointed by the President shall serve for terms of 3 years. Of the members first appointed, 5 shall be appointed for terms of 1 year, 5 shall be appointed for terms of 2 years, and 5 shall be appointed for terms of 3 years, as designated by the President at the time of appointment. Thereafter, the term of each member shall be 3 years. The initial appointment of members shall be made not later than 90 days after the effective date of this section.

"(2) Any member appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of such member was appointed shall be appointed only for the remainder of such term. The President shall fill a vacancy not later than 90 days after such vacancy occurs. Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office.

"(c) The Advisory Committee shall meet at the call of the Chairman, but not less than quarterly. Ten members of the Advisory Committee shall constitute a quorum.

Functions.

"(d) The Advisory Committee shall—

"(1) review and evaluate, on a continuing basis, Federal policies regarding juvenile justice and delinquency prevention and activities affecting juvenile justice and delinquency prevention conducted or assisted by all Federal agencies;

"(2) advise the Administrator with respect to particular functions or aspects of the work of the Office;

"(3) advise, consult with, and make recommendations to the National Institute of Justice and the National Institute for Juvenile Justice and Delinquency Prevention concerning the overall policy and operations of each such Institute regarding juvenile justice and delinquency prevention research, evaluations, and training provided by each such Institute; and

"(4) make refinements in recommended standards for the administration of juvenile justice at the Federal, State, and local levels which have been reviewed under section 247, and recommend Federal, State, and local action to facilitate the adoption of such standards throughout the United States.

42 USC 5657.

Report to President and Congress.

"(e) Beginning in 1981, the Advisory Committee shall submit such interim reports as it considers advisable to the President and to the Congress, and shall submit an annual report to the President and to the Congress not later than March 31 of each year. Each such report shall describe the activities of the Advisory Committee and shall contain such findings and recommendations as the Advisory Committee considers necessary or appropriate.

"(f) The Advisory Committee shall have staff personnel, appointed by the Chairman with the approval of the Advisory Committee, to assist it in carrying out its activities. The head of each Federal agency shall make available to the Advisory Committee such information and other assistance as it may require to carry out its activities. The Advisory Committee shall not have any authority to procure any temporary or intermittent services of any personnel under section 3109 of title 5, United States Code, or under any other provision of law.

Compensation.

"(g)(1) Members of the Advisory Committee shall, while serving on business of the Advisory Committee, be entitled to receive compensation at a rate not to exceed the daily rate specified for Grade GS-18 of the General Schedule in section 5332 of title 5, United States Code, including traveltime.

Travel expense and per diem.

"(2) Members of the Advisory Committee, while serving away from their places of residence or regular places of business, shall be entitled to reimbursement for travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703 of title 5, United States Code, for persons in the Federal Government service employed intermittently.

Appropriation authorization.

"(h) To carry out the purposes of this section, there is authorized to be appropriated such sums as may be necessary, not to exceed $500,000 for each fiscal year.".

ALLOCATION

SEC. 10. The last sentence of section 222(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5632(a)) is amended by striking out "and", and by inserting ", and the Commonwealth of the Northern Mariana Islands" after "Pacific Islands".

STATE PLANS

Performance reports.

SEC. 11. (a)(1) Section 223(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)) is amended by striking out "consistent with the provisions" and all that follows through "such plan must" and inserting in lieu thereof the following: "applicable to a 3-year period. Such plan shall be amended annually to include new programs, and the State shall submit annual performance reports to the Administrator which shall describe progress in implementing programs contained in the original plan, and shall describe the status of compliance with State plan requirements. In accordance with regulations which the Administrator shall prescribe, such plan shall".

(2) Section 223(a)(3)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(3)(A)) is amended by striking

out "twenty-one" and inserting in lieu thereof "15", and by striking out "thirty-three" and inserting in lieu thereof "33".

(3) Section 223(a)(3)(B) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(3)(B)) is amended—

(A) by inserting "locally elected officials," after "include"; and

(B) by inserting "special education," after "education,".

(4) Section 223(a)(3)(E) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(3)(E)) is amended—

(A) by striking out "one-third" and inserting in lieu thereof "one-fifth";

(B) by striking out "twenty-six" and inserting in lieu thereof "24";

(C) by inserting ", and" after "appointment"; and

(D) by striking out "three of whom" and inserting in lieu thereof "3 of whose members".

(5) Section 223(a)(3)(F) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(3)(F)) is amended—

(A) by striking out "(ii) may advise" and all that follows through "requested;" and inserting in lieu thereof "(ii) shall submit to the Governor and the legislature at least annually recommendations with respect to matters related to its functions, including State compliance with the requirements of paragraph (12)(A) and paragraph (13);"; and

(B) by adding at the end thereof the following: "and (v) shall contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system;".

(6) Section 223(a)(3)(F)(iii) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(3)(F)(iii)) is amended by striking out "and" at the end thereof.

(7) Section 223(a)(8) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(8)) is amended to read as follows:

"(8) provide for (A) an analysis of juvenile crime problems and juvenile justice and delinquency prevention needs within the relevant jurisdiction, a description of the services to be provided, and a description of performance goals and priorities, including a specific statement of the manner in which programs are expected to meet the identified juvenile crime problems and juvenile justice and delinquency prevention needs of the jurisdiction; (B) an indication of the manner in which the programs relate to other similar State or local programs which are intended to address the same or similar problems; and (C) a plan for the concentration of State efforts which shall coordinate all State juvenile delinquency programs with respect to overall policy and development of objectives and priorities for all State juvenile delinquency programs and activities, including provision for regular meetings of State officials with responsibility in the area of juvenile justice and delinquency prevention;".

(8) Section 223(a)(10) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(10)) is amended—

(A) by striking out "juvenile detention and correctional facilities" and inserting in lieu thereof "confinement in secure detention facilities and secure correctional facilities";

(B) by striking out "and" the fifth place it appears therein;

(C) by inserting after "standards" the following: ", and to provide programs for juveniles who have committed serious crimes, particularly programs which are designed to improve sentencing procedures, provide resources necessary for informed dispositions, and provide for effective rehabilitation"; and

(D) by adding at the end thereof the following new subparagraph:

"(J) projects designed both to deter involvement in illegal activities and to promote involvement in lawful activities on the part of juvenile gangs and their members;".

(9) Section 223(a)(10)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(10)(A)) is amended by inserting "education, special education," after "home programs,".

(10) Section 223(a)(10)(E) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(10)(E)) is amended by striking out "keep delinquents and to", and by inserting "delinquent youth and" after "encourage".

(11) Section 223(a)(10)(H) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(10)(H)) is amended to read as follows:

"(H) statewide programs through the use of subsidies or other financial incentives to units of local government designed to—

"(i) remove juveniles from jails and lockups for adults;

"(ii) replicate juvenile programs designated as exemplary by the National Institute of Justice;

"(iii) establish and adopt, based upon the recommendations of the Advisory Committee, standards for the improvement of juvenile justice within the State; or

"(iv) increase the use of nonsecure community-based facilities and discourage the use of secure incarceration and detention;".

(12) Section 223(a)(10)(I) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(10)(I)) is amended to read as follows:

"(I) programs designed to develop and implement projects relating to juvenile delinquency and learning disabilities, including on-the-job training programs to assist law enforcement and juvenile justice personnel to more effectively recognize and provide for learning disabled and other handicapped juveniles; and".

(13) Section 223(a)(12)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(12)(A)) is amended—

(A) by inserting "or offenses which do not constitute violations of valid court orders" after "adult"; and

(B) by striking out "juvenile detention or correctional facilities" and inserting in lieu thereof "secure detention facilities or secure correctional facilities".

(14) Section 223(a)(15) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in paragraph (15)(A), is amended—

Post, p. 2758.

(A) by striking out "paragraph (12)(A) and paragraph (13)" and inserting in lieu thereof "paragraph (12)(A), paragraph (13), and paragraph (14)"; and

(B) by inserting before the semicolon at the end thereof the following: ", except that such reporting requirements shall not apply in the case of a State which is in compliance with the other requirements of this paragraph, which is in compliance with the requirements in paragraph (12)(A) and paragraph (13), and which has enacted legislation which conforms to such requirements and which contains, in the opinion of the Administrator, sufficient enforcement mechanisms to ensure that such legislation will be administered effectively".

(15) Section 223(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)), as amended by the foregoing provisions of this subsection, is further amended—

(A) by redesignating paragraph (14) through paragraph (21) as paragraph (15) through paragraph (22), respectively, and by inserting after paragraph (13) the following new paragraph:

"(14) provide that, beginning after the 5-year period following the date of the enactment of the Juvenile Justice Amendments of 1980, no juvenile shall be detained or confined in any jail or lockup for adults, except that the Administrator shall promulgate regulations which (A) recognize the special needs of areas characterized by low population density with respect to the detention of juveniles; and (B) shall permit the temporary detention in such adult facilities of juveniles accused of serious crimes against persons, subject to the provisions of paragraph (13), where no existing acceptable alternative placement is available;"; and

(B) by adding at the end thereof the following new sentence: "Such plan shall be modified by the State, as soon as practicable after the date of the enactment of the Juvenile Justice Amendments of 1980, in order to comply with the requirements of paragraph (14).".

(b) Section 223(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(c)) is amended—

(1) by striking out ", with the concurrence of the Associate Administrator,";

(2) by inserting after "juveniles" the following: "or through removal of 100 percent of such juveniles from secure correctional facilities"; and

(3) by adding at the end thereof the following new sentence: "Failure to achieve compliance with the requirements of subsection (a)(14) within the 5-year time limitation shall terminate any State's eligibility for funding under this subpart, unless the Administrator determines that (1) the State is in substantial compliance with such requirements through the achievement of not less than 75 percent removal of juveniles from jails and lockups for adults; and (2) the State has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable time, not to exceed 2 additional years.".

(c) Section 223(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(d)) is amended—

(1) by inserting "endeavor to" after "the Administrator shall";

(2) by striking out "public and private" and all that follows through "section 224" and inserting in lieu thereof "local public and private nonprofit agencies within such State for use in carrying out the purposes of subsection (a)(12)(A), subsection (a)(13), or subsection (a)(14)";

(3) by striking out "endeavor to make such reallocated funds" and inserting in lieu thereof "make funds which remain available after disbursements are made by the Administrator under the preceding sentence, and any other unobligated funds,";

(4) by striking out "a preferential" and inserting in lieu thereof "an equitable";

(5) by striking out "to programs in nonparticipating States under section 224(a)(2) and";

(6) by striking out "substantial or"; and

(7) by striking out "subsection (a)(12)(A) requirement" and all that follows through "subsection (c)" and inserting in lieu thereof "requirements under subsection (a)(12)(A) and subsection (a)(13)".

SPECIAL EMPHASIS PREVENTION AND TREATMENT PROGRAMS

SEC. 12. (a) Section 224(a)(5) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5634(a)(5)) is amended to read as follows:

"(5) develop statewide programs through the use of subsidies or other financial incentives designed to—

"(A) remove juveniles from jails and lockups for adults;

"(B) replicate juvenile programs designated as exemplary by the National Institute of Justice; or

"(C) establish and adopt, based upon recommendations of the Advisory Committee, standards for the improvement of juvenile justice within the State;".

(b) Section 224(a)(11) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5634(a)(11)) is amended by inserting before the period at the end thereof the following: ", including on-the-job training programs to assist law enforcement personnel and juvenile justice personnel to more effectively recognize and provide for learning disabled and other handicapped juveniles".

(c) Section 224(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5634(a)) is amended—

(1) in paragraph (10) thereof, by striking out "and" at the end thereof;

(2) in paragraph (11) thereof, by striking out the period at the end thereof and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(12) develop and implement special emphasis prevention and treatment programs relating to juveniles who commit serious crimes.".

(d) Section 224 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5634) is amended by adding at the end thereof the following new subsections:

"(d) Assistance provided pursuant to this section shall be available on an equitable basis to deal with disadvantaged youth, including females, minority youth, and mentally retarded and emotionally or physically handicapped youth.

Grants and contracts.

"(e) At least 5 percent of the funds available for grants and contracts made pursuant to this section shall be available for grants and contracts designed to address the special needs and problems of juvenile delinquency in the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.".

USE OF FUNDS

SEC. 13. (a) Section 227 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5637) is amended by adding at the end thereof the following new subsection:

42 USC 5633.
42 USC 5634.

"(c) Funds paid pursuant to section 223(a)(10)(D) and section 224(a)(7) to any public or private agency, organization, or institution or to any individual (whether directly or through a State criminal justice council) shall not be used to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or other device, intended or designed to influence a Member of the Congress or any other Federal, State, or local elected official to favor or oppose any Acts, bills, resolutions, or similar legislation, or any referendum, initiative, constitutional amendment, or any similar procedure by the Congress, any State legislature, any local council, or any similar governing body, except that this subsection shall not preclude such funds from being used in connection with communications to Federal, State, or local elected officials, upon the request of such officials through proper official channels, pertaining to authorization, appropriation, or oversight measures directly affecting the operation of the program involved. The Administrator shall take such action as may be necessary to ensure that no funds paid under section 223(a)(10)(D) or section 224(a)(7) are used either directly or indirectly in any manner prohibited in this subsection.". 42 USC 5633, 5634.

PAYMENTS

SEC. 14. (a) Section 228 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5638) is amended—

(1) by striking out subsection (a) and subsection (b) thereof, and by striking out the section designation preceding subsection (a);

(2) by redesignating subsection (c) through subsection (g) as subsection (a) through subsection (e), respectively; and

(3) by inserting "SEC. 228." before subsection (a), as so redesignated in paragraph (2).

(b) Section 228(e) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in subsection (a), is amended—

(1) by inserting "subpart II of" after "applicant under"; and

(2) by striking out "under section 224" and inserting in lieu thereof "in an equitable manner to States which have complied with the requirements in section 223(a)(12)(A) and section 223(a)(13), under section 224(a)(5)".

DESIGNATION OF STATE AGENCIES

SEC. 15. Section 261 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671) is amended by adding at the end thereof the following new subsection:

"(c) Notwithstanding any other provision of law, if the Administrator determines, in his discretion, that sufficient funds have not been appropriated for any fiscal year for the activities authorized in part D of title I of the Omnibus Crime Control and Safe Streets Act of 1968, then the Administrator is authorized to— 42 USC 3741.

"(1) approve any appropriate State agency designated by the Governor of the State involved as the sole agency responsible for supervising the preparation and administration of the State plan submitted under section 223; and 42 USC 5633.

"(2) establish appropriate administrative and supervisory board membership requirements for any agency designated in accordance with paragraph (1), and permit the State advisory group appointed under section 223(a)(3) to operate as the supervisory board for such agency, at the discretion of the Governor.".

ADMINISTRATIVE PROVISIONS

SEC. 16. Section 262 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5672) is amended to read as follows:

"APPLICABILITY OF OTHER ADMINISTRATIVE PROVISIONS

"SEC. 262. (a) The administrative provisions of sections 802(a), 802(c), 803, 804, 805, 806, 807, 810, 812, 813, 814(a), 815(c), 817(a), 817(b), 817(c), 818(a), 818(b), and 818(d) of the Omnibus Crime Control and Safe Streets Act of 1968 are incorporated in this Act as administrative provisions applicable to this Act. References in the cited sections authorizing action by the Director of the Office of Justice Assistance, Research and Statistics, the Administrator of the Law Enforcement Assistance Administration, the Director of the National Institute of Justice, and the Director of the Bureau of Justice Statistics also shall be construed as authorizing the Administrator of the Office of Juvenile Justice and Delinquency Prevention to perform the same action. 42 USC 3782-3788, 3789a-3789d, 3789f, 3789g.

"(b) The Office of Justice Assistance, Research and Statistics shall directly provide staff support to, and coordinate the activities of, the Office of Juvenile Justice and Delinquency Prevention in the same manner as it is authorized to provide staff support and coordinate the activities of the Law Enforcement Assistance Administration, National Institute of Justice, and Bureau of Justice Statistics pursuant to section 801(b) of the Omnibus Crime Control and Safe Streets Act of 1968.". 42 USC 3781.

REPORT REGARDING CONFINEMENT OF JUVENILES IN JAILS FOR ADULTS

SEC. 17. (a) The Administrator of the Office of Juvenile Justice and Delinquency Prevention, not later than 18 months after the date of the enactment of this Act, shall submit a report to the Congress relating to the cost and implications of any requirement added to the Juvenile Justice and Delinquency Prevention Act of 1974 which would mandate the removal of juveniles from adults in all jails and lockups. 42 USC 5633 note. 42 USC 5601 note.

(b) The report required in subsection (a) shall include—

(1) an estimate of the costs likely to be incurred by the States in implementing the requirement specified in subsection (a);

(2) an analysis of the experience of States which currently require the removal of juveniles from adults in all jails and lockups;

(3) an analysis of possible adverse ramifications which may result from such requirement of removal, including an analysis of whether such requirement would lead to an expansion of the residential capacity of secure detention facilities and secure correctional facilities for juveniles, thus resulting in a net increase in the total number of juveniles detained or confined in such facilities; and

(4) recommendations for such legislative or administrative action as the Administrator considers appropriate.

RUNAWAY AND HOMELESS YOUTH

SEC. 18. (a) The heading for title III of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5701 et seq.) is amended to read as follows:

"TITLE III—RUNAWAY AND HOMELESS YOUTH".

42 USC 5601 note.

(b) Section 301 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5701 note) is amended by inserting "and Homeless" after "Runaway".

(c) Section 311 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5711) is amended—

(1) by inserting "(a)" after the section designation;

(2) by inserting "equitably among the States based upon their respective populations of youth under 18 years of age" after "shall be made";

(3) by inserting ", and their families," after "homeless youth";

(4) by inserting after "services." the following new sentence: "Grants also may be made for the provision of a national communications system for the purpose of assisting runaway and homeless youth in communicating with their families and with service providers."; and

(5) by adding at the end thereof the following new subsections:

Supplement grants.

"(b) The Secretary is authorized to provide supplemental grants to runaway centers which are developing, in cooperation with local juvenile court and social service agency personnel, model programs designed to provide assistance to juveniles who have repeatedly left and remained away from their homes or from any facilities in which they have been placed as the result of an adjudication.

On-the-job training.

"(c) The Secretary is authorized to provide on-the-job training to local runaway and homeless youth center personnel and coordinated networks of local law enforcement, social service, and welfare personnel to assist such personnel in recognizing and providing for learning disabled and other handicapped juveniles.".

(d)(1) Section 312(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5712(a)) is amended by striking out "house" and inserting in lieu thereof "center", and by inserting "or to other homeless juveniles" before the period at the end thereof.

(2) Section 312(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5712(b)) is amended—

(A) by striking out "house" each place it appears therein and inserting in lieu thereof "center"; and

(B) in paragraph (4) thereof, by inserting "social service personnel, and welfare personnel," after "personnel,".

(e) Section 313 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5713) is amended by striking out "$100,000" and inserting in lieu thereof "$150,000", and by striking out "any applicant whose program budget is smaller than $150,000" and inserting in lieu thereof "organizations which have a demonstrated experience in the provision of service to runaway and homeless youth and their families".

(f) Section 315 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5715) is amended by striking out "houses" and inserting in lieu thereof "centers".

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 19. (a) Section 103(5) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(5)) is amended by striking out "section 101(b)" and all that follows through "amended" and inserting in lieu thereof "section 201(c)".

(b)(1) Section 201(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(c)) is amended—

(A) in the first sentence thereof, by striking out "Associate"; and

(B) by striking out the last sentence thereof.

(2) Section 201(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(d)) is amended by striking out "Associate" each place it appears therein.

(3) Section 201(e) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(e)) is amended by striking out "Associate" each place it appears therein, and by striking out "Office" the last place it appears therein and inserting in lieu thereof "office".

(4) Section 201(f) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(f)) is amended by striking out "Associate".

(c)(1) Section 202(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5612(c)) is amended by striking out "Associate".

(2) Section 202(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5612(d)) is amended by striking out "title I" and inserting in lieu thereof "title 5".

(d)(1) Section 204(d)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(d)(1)) is amended by striking out "Associate".

(2) Section 204(g) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(g)) is amended by striking out "Administration" and inserting in lieu thereof "Office".

(3) Section 204(i) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(i)) is amended by striking out "Associate".

(4) Section 204(k) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(k)) is amended by striking out "the Department of Health, Education, and Welfare" and inserting in lieu thereof "Health and Human Services".

(5) Section 204(l)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(l)(1)) is amended by striking out "Associate".

(e) Section 205 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5615) is amended by striking out "Associate" each place it appears therein.

(f)(1) Section 206(a)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(a)(1)) is amended—

(A) by striking out ", Education, and Welfare" and inserting in lieu thereof "and Human Services";

(B) by striking out "the Commissioner of the Office of Education,";

(C) by inserting "the Director of the Office of Justice Assistance, Research and Statistics, the Administrator of the Law Enforcement Assistance Administration," after "designees,";

(D) by striking out "Associate" each place it appears therein; and

(E) by inserting "the Director of the National Institute of Justice," after "Prevention," the last place it appears therein.

(2) Section 206(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(b)) is amended by striking out "Associate".

(3) Section 206(e) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(e)) is amended by striking out "Associate".

(g)(1) Section 223(a)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(1)) is amended—

(A) by striking out "planning agency" and inserting in lieu thereof "criminal justice council"; and

(B) by striking out "section 203 of such title I" and inserting in lieu thereof "section 402(b)(1) of the Omnibus Crime Control and Safe Streets Act of 1968".

42 USC 3742.

(2) Section 223(a)(2) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(2)) is amended by striking out "planning agency" and inserting in lieu thereof "criminal justice council".

(3) Section 223(a)(3)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(3)(A)) is amended by striking out "a juvenile" and inserting in lieu thereof "juvenile".

(4) Section 223(a)(3)(F) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(3)(F)) is amended—

(A) in clause (i) thereof, by striking out "planning agency" and inserting in lieu thereof "criminal justice council";

(B) in clause (iii) thereof, by striking out "planning agency" and all that follows through "as amended" and inserting in lieu thereof "criminal justice council"; and

(C) in clause (iv) thereof—

(i) by striking out "planning agency and regional planning unit supervisory" and inserting in lieu thereof "criminal justice council and local criminal justice advisory"; and

(ii) by striking out "section 261(b) and section 502(b)" and inserting in lieu thereof "section 1002".

(5) Section 223(a)(11) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(11)) is amended by striking out "provides" and inserting in lieu thereof "provide".

(6) Section 223(a)(12)(B) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(12)(B)) is amended by striking out "Associate".

Ante, p. 2758.

(7) Section 223(a)(15) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in section 11(a)(15)(A), is amended by striking out "Associate".

(8) Section 223(a)(18)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in section 11(a)(15)(A), is amended by striking out "or" the first place it appears therein and inserting in lieu thereof "of".

(9) Section 223(a)(21) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in section 11(a)(15)(A), is amended—

(A) by striking out "planning agency" and inserting in lieu thereof "criminal justice council";

(B) by striking out "then" and inserting in lieu thereof "than"; and

(C) by striking out "Associate".

(10) Section 223(a)(22) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in section 11(a)(15)(A), is amended by striking out "Associate".

(11) Section 223(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)), as amended in section 11(a)(15)(B), is further amended (in the sentence preceding the last sentence thereof) by striking out "303(a)" and inserting in lieu thereof "section 403".

(12) Section 223(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(b)) is amended by striking out

"planning agency" and inserting in lieu thereof "criminal justice council".

(13) Section 223(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(d)) is amended by striking out "sections 509, 510, and 511" and inserting in lieu thereof "sections 803, 804, and 805".

(h) Section 224(a)(6) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5634(a)(6)) is amended by striking out "Commissioner" and inserting in lieu thereof "Secretary".

42 USC 5638.
Ante, p. 2760.

(i) Section 228(e) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in section 11(a), is amended by striking out "section 509" and inserting in lieu thereof "section 803".

(j)(1) Section 241(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5651(b)) is amended by striking out "Associate" each place it appears therein.

(2) Section 241(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5651(c)) is amended by striking out "National Institute of Law Enforcement and Criminal Justice" and inserting in lieu thereof "National Institute of Justice".

(k) Section 244(3) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5654(3)) is amended by striking out "sections 249, 250, and 251" and inserting in lieu thereof "sections 248, 249, and 250".

(l) Section 245 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5655) is amended by striking out "Associate".

(m) Section 246 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5656) is amended by striking out "Associate" each place it appears therein.

42 USC 5659.

(n) Section 248(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5658(a)) is amended by striking out "Associate" each place it appears therein.

(o) Section 249 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5660) is amended by striking out "Associate".

(p)(1) Section 250(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5661(a)) is amended by striking out "Associate" each place it appears therein.

(2) Section 250(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5661(b)) is amended by striking out "Associate" each place it appears therein.

(3) Section 250(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5661(c)) is amended by striking out "section 5703(b)" and inserting in lieu thereof "section 5703".

Approved December 8, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-946 accompanying H.R. 6704 (Comm. on Education and Labor).
SENATE REPORT No. 96-705 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 126 (1980):
  May 20, considered and passed Senate.
  Nov. 14, 19, H.R. 6704 considered and passed House; passage vacated and S. 2441, amended, passed in lieu.
  Nov. 20, Senate concurred in House amendments.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 16, No. 50:
  Dec. 8, Presidential statement.

Public Law 96-510
96th Congress

An Act

Dec. 11, 1980
[H.R. 7020]

To provide for liability, compensation, cleanup, and emergency response for hazardous substances released into the environment and the cleanup of inactive hazardous waste disposal sites.

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled, **That this Act may be cited as the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980".**

Comprehensive Environmental Response, Compensation, and Liability Act of 1980
42 USC 9601 note.

TITLE I—HAZARDOUS SUBSTANCES RELEASES, LIABILITY, COMPENSATION

DEFINITIONS

42 USC 9601.

SEC. 101. For purpose of this title, the term—

(1) "act of God" means an unanticipated grave natural disaster or other natural phenomenon of an exceptional, inevitable, and irresistible character, the effects of which could not have been prevented or avoided by the exercise of due care or foresight;

(2) "Administrator" means the Administrator of the United States Environmental Protection Agency;

(3) "barrel" means forty-two United States gallons at sixty degrees Fahrenheit;

(4) "claim" means a demand in writing for a sum certain;

(5) "claimant" means any person who presents a claim for compensation under this Act;

(6) "damages" means damages for injury or loss of natural resources as set forth in section 107(a) or 111(b) of this Act;

(7) "drinking water supply" means any raw or finished water source that is or may be used by a public water system (as defined in the Safe Drinking Water Act) or as drinking water by one or more individuals;

42 USC 201 note.

(8) "environment" means (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Fishery Conservation and Management Act of 1976, and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States;

Post, p. 3300.

(9) "facility" means (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel;

(10) "federally permitted release" means (A) discharges in compliance with a permit under section 402 of the Federal Water Pollution Control Act, (B) discharges resulting from circumstances identified and reviewed and made part of the public record with respect to a permit issued or modified under section 402 of the Federal Water Pollution Control Act and subject to a condition of such permit, (C) continuous or anticipated intermittent discharges from a point source, identified in a permit or permit application under section 402 of the Federal Water Pollution Control Act, which are caused by events occurring within the scope of relevant operating or treatment systems, (D) discharges in compliance with a legally enforceable permit under section 404 of the Federal Water Pollution Control Act, (E) releases in compliance with a legally enforceable final permit issued pursuant to section 3005 (a) through (d) of the Solid Waste Disposal Act from a hazardous waste treatment, storage, or disposal facility when such permit specifically identifies the hazardous substances and makes such substances subject to a standard of practice, control procedure or bioassay limitation or condition, or other control on the hazardous substances in such releases, (F) any release in compliance with a legally enforceable permit issued under section 102 of section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972, (G) any injection of fluids authorized under Federal underground injection control programs or State programs submitted for Federal approval (and not disapproved by the Administrator of the Environmental Protection Agency) pursuant to part C of the Safe Drinking Water Act, (H) any emission into the air subject to a permit or control regulation under section 111, section 112, title I part C, title I part D, or State implementation plans submitted in accordance with section 110 of the Clean Air Act (and not disapproved by the Administrator of the Environmental Protection Agency), including any schedule or waiver granted, promulgated, or approved under these sections, (I) any injection of fluids or other materials authorized under applicable State law (i) for the purpose of stimulating or treating wells for the production of crude oil, natural gas, or water, (ii) for the purpose of secondary, tertiary, or other enhanced recovery of crude oil or natural gas, or (iii) which are brought to the surface in conjunction with the production of crude oil or natural gas and which are reinjected, (J) the introduction of any pollutant into a publicly owned treatment works when such pollutant is specified in and in compliance with applicable pretreatment standards of section 307 (b) or (c) of the Clean Water Act and enforceable requirements in a pretreatment program submitted by a State or municipality for Federal approval under section 402 of such Act, and (K) any release of source, special nuclear, or byproduct material, as those terms are defined in the Atomic Energy Act of 1954, in compliance with a legally enforceable license, permit, regulation, or order issued pursuant to the Atomic Energy Act of 1954;

33 USC 1342.
33 USC 1344.
42 USC 6925.
33 USC 1412, 1413.
42 USC 300h.
42 USC 7411, 7412, 7470, 7501.
42 USC 7410.
33 USC 1317.
33 USC 1342.
42 USC 2014.

(11) "Fund" or "Trust Fund" means the Hazardous Substance Response Fund established by section 221 of this Act or, in the case of a hazardous waste disposal facility for which liability has been transferred under section 107(k) of this Act, the Post-closure Liability Fund established by section 232 of this Act;

Post, p. 2801.
Post, p. 2804.

(12) "ground water" means water in a saturated zone or stratum beneath the surface of land or water;

(13) "guarantor" means any person, other than the owner or operator, who provides evidence of financial responsibility for an owner or operator under this Act;

(14) "hazardous substance" means (A) any substance designated pursuant to section 311(b)(2)(A) of the Federal Water Pollution Control Act, (B) any element, compound, mixture, solution, or substance designated pursuant to section 102 of this Act, (C) any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act (but not including any waste the regulation of which under the Solid Waste Disposal Act has been suspended by Act of Congress), (D) any toxic pollutant listed under section 307(a) of the Federal Water Pollution Control Act, (E) any hazardous air pollutant listed under section 112 of the Clean Air Act, and (F) any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to section 7 of the Toxic Substances Control Act. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (A) through (F) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas);

33 USC 1321.

42 USC 6921.

42 USC 7412.

15 USC 2606.

(15) "navigable waters" or "navigable waters of the United States" means the waters of the United States, including the territorial seas;

(16) "natural resources" means land, fish, wildlife, biota, air, water, ground water, drinking water supplies, and other such resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the United States (including the resources of the fishery conservation zone established by the Fishery Conservation and Management Act of 1976), any State or local government, or any foreign government;

Post, p. 3300.

(17) "offshore facility" means any facility of any kind located in, on, or under, any of the navigable waters of the United States, and any facility of any kind which is subject to the jurisdiction of the United States and is located in, on, or under any other waters, other than a vessel or a public vessel;

(18) "onshore facility" means any facility (including, but not limited to, motor vehicles and rolling stock) of any kind located in, on, or under, any land or nonnavigable waters within the United States;

(19) "otherwise subject to the jurisdiction of the United States" means subject to the jurisdiction of the United States by virtue of United States citizenship, United States vessel documentation or numbering, or as provided by international agreement to which the United States is a party;

(20)(A) "owner or operator" means (i) in the case of a vessel, any person owning, operating, or chartering by demise, such vessel, (ii) in the case of an onshore facility or an offshore facility, any person owning or operating such facility, and (iii) in the case of any abandoned facility, any person who owned, operated, or otherwise controlled activities at such facility immediately prior to such abandonment. Such term does not include a person, who, without participating in the management of a vessel or facility, holds indicia of ownership primarily to protect his security interest in the vessel or facility;

(B) in the case of a hazardous substance which has been accepted for transportation by a common or contract carrier and except as provided in section 107(a) (3) or (4) of this Act, (i) the term "owner or operator" shall mean such common carrier or other bona fide for hire carrier acting as an independent contractor during such transportation, (ii) the shipper of such hazardous substance shall not be considered to have caused or contributed to any release during such transportation which resulted solely from circumstances or conditions beyond his control;

(C) in the case of a hazardous substance which has been delivered by a common or contract carrier to a disposal or treatment facility and except as provided in section 107(a) (3) or (4) (i) the term "owner or operator" shall not include such common or contract carrier, and (ii) such common or contract carrier shall not be considered to have caused or contributed to any release at such disposal or treatment facility resulting from circumstances or conditions beyond its control;

(21) "person" means an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States Government, State, municipality, commission, political subdivision of a State, or any interstate body;

(22) "release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, but excludes (A) any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer of such persons, (B) emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine, (C) release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954, if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under section 170 of such Act, or, for the purposes of section 104 of this title or any other response action, any release of source byproduct, or special nuclear material from any processing site designated under section 102(a)(1) or 302(a) of the Uranium Mill Tailings Radiation Control Act of 1978, and (D) the normal application of fertilizer;

42 USC 2011 note.

42 USC 2210.

42 USC 7912, 7942.

(23) "remove" or "removal" means the cleanup or removal of released hazardous substances from the environment, such actions as may be necessary taken in the event of the threat of release of hazardous substances into the environment, such actions as may be necessary to monitor, assess, and evaluate the release or threat of release of hazardous substances, the disposal of removed material, or the taking of such other actions as may be necessary to prevent, minimize, or mitigate damage to the public health or welfare or to the environment, which may otherwise result from a release or threat of release. The term includes, in addition, without being limited to, security fencing or other measures to limit access, provision of alternative water supplies, temporary evacuation and housing of threatened individuals not otherwise provided for, action taken under section 104(b) of this Act, and any emergency assistance which may be provided under the Disaster Relief Act of 1974;

42 USC 5121 note.

(24) "remedy" or "remedial action" means those actions consistent with permanent remedy taken instead of or in addition to removal actions in the event of a release or threatened release of

a hazardous substance into the environment, to prevent or minimize the release of hazardous substances so that they do not migrate to cause substantial danger to present or future public health or welfare or the environment. The term includes, but is not limited to, such actions at the location of the release as storage, confinement, perimeter protection using dikes, trenches, or ditches, clay cover, neutralization, cleanup of released hazardous substances or contaminated materials, recycling or reuse, diversion, destruction, segregation of reactive wastes, dredging or excavations, repair or replacement of leaking containers, collection of leachate and runoff, onsite treatment or incineration, provision of alternative water supplies, and any monitoring reasonably required to assure that such actions protect the public health and welfare and the environment. The term includes the costs of permanent relocation of residents and businesses and community facilities where the President determines that, alone or in combination with other measures, such relocation is more cost-effective than and environmentally preferable to the transportation, storage, treatment, destruction, or secure disposition offsite of hazardous substances, or may otherwise be necessary to protect the public health or welfare. The term does not include offsite transport of hazardous substances, or the storage, treatment, destruction, or secure disposition offsite of such hazardous substances or contaminated materials unless the President determines that such actions (A) are more cost-effective than other remedial actions, (B) will create new capacity to manage, in compliance with subtitle C of the Solid Waste Disposal Act, hazardous substances in addition to those located at the affected facility, or (C) are necessary to protect public health or welfare or the environment from a present or potential risk which may be created by further exposure to the continued presence of such substances or materials; 42 USC 6921.

(25) "respond" or "response" means remove, removal, remedy, and remedial action;

(26) "transport" or "transportation" means the movement of a hazardous substance by any mode, including pipeline (as defined in the Pipeline Safety Act), and in the case of a hazardous substance which has been accepted for transportation by a common or contract carrier, the term "transport" or "transportation" shall include any stoppage in transit which is temporary, incidental to the transportation movement, and at the ordinary operating convenience of a common or contract carrier, and any such stoppage shall be considered as a continuity of movement and not as the storage of a hazardous substance; 49 USC 1671 note.

(27) "United States" and "State" include the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Marianas, and any other territory or possession over which the United States has jurisdiction;

(28) "vessel" means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water;

(29) "disposal", "hazardous waste", and "treatment" shall have the meaning provided in section 1004 of the Solid Waste Disposal Act; 42 USC 6903.

33 USC 1362.

(30) "territorial sea" and "contiguous zone" shall have the meaning provided in section 502 of the Federal Water Pollution Control Act.

33 USC 1321.

(31) "national contingency plan" means the national contingency plan published under section 311(c) of the Federal Water Pollution Control Act or revised pursuant to section 105 of this Act; and

(32) "liable" or "liability" under this title shall be construed to be the standard of liability which obtains under section 311 of the Federal Water Pollution Control Act.

REPORTABLE QUANTITIES AND ADDITIONAL DESIGNATIONS

Regulations.
42 USC 9602.

SEC. 102. (a) The Administrator shall promulgate and revise as may be appropriate, regulations designating as hazardous substances, in addition to those referred to in section 101(14) of this title, such elements, compounds, mixtures, solutions, and substances which, when released into the environment may present substantial danger to the public health or welfare or the environment, and shall promulgate regulations establishing that quantity of any hazardous substance the release of which shall be reported pursuant to section 103 of this title. The Administrator may determine that one single quantity shall be the reportable quantity for any hazardous substance, regardless of the medium into which the hazardous substance is released.

33 USC 1321.

(b) Unless and until superseded by regulations establishing a reportable quantity under subsection (a) of this section for any hazardous substance as defined in section 101(14) of this title, (1) a quantity of one pound, or (2) for those hazardous substances for which reportable quantities have been established pursuant to section 311(b)(4) of the Federal Water Pollution Control Act, such reportable quantity, shall be deemed that quantity, the release of which requires notification pursuant to section 103 (a) or (b) of this title.

NOTICES, PENALTIES

42 USC 9603.

33 USC 1251 note.

SEC. 103. (a) Any person in charge of a vessel or an offshore or an onshore facility shall, as soon as he has knowledge of any release (other than a federally permitted release) of a hazardous substance from such vessel or facility in quantities equal to or greater than those determined pursuant to section 102 of this title, immediately notify the National Response Center established under the Clean Water Act of such release. The National Response Center shall convey the notification expeditiously to all appropriate Government agencies, including the Governor of any affected State.

(b) Any person—

(1) in charge of a vessel from which a hazardous substance is released, other than a federally permitted release, into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone, or

Post, p. 3300.

(2) in charge of a vessel from which a hazardous substance is released, other than a federally permitted release, which may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States (including resources under the Fishery Conservation and Management Act of 1976), and who is otherwise subject to the jurisdiction of the United States at the time of the release, or

(3) in charge of a facility from which a hazardous substance is released, other than a federally permitted release, in a quantity equal to or greater than that determined pursuant to section 102 of this title who fails to notify immediately the appropriate agency of the United States Government as soon as he has knowledge of such release shall, upon conviction, be fined not more than $10,000 or imprisoned for not more than one year, or both. Notification received pursuant to this paragraph or information obtained by the exploitation of such notification shall not be used against any such person in any criminal case, except a prosecution for perjury or for giving a false statement.

(c) Within one hundred and eighty days after the enactment of this Act, any person who owns or operates or who at the time of disposal owned or operated, or who accepted hazardous substances for transport and selected, a facility at which hazardous substances (as defined in section 101(14)(C) of this title) are or have been stored, treated, or disposed of shall, unless such facility has a permit issued under, or has been accorded interim status under, subtitle C of the Solid Waste Disposal Act, notify the Administrator of the Environmental Protection Agency of the existence of such facility, specifying the amount and type of any hazardous substance to be found there, and any known, suspected, or likely releases of such substances from such facility. The Administrator may prescribe in greater detail the manner and form of the notice and the information included. The Administrator shall notify the affected State agency, or any department designated by the Governor to receive such notice, of the existence of such facility. Any person who knowingly fails to notify the Administrator of the existence of any such facility shall, upon conviction, be fined not more than $10,000, or imprisoned for not more than one year, or both. In addition, any such person who knowingly fails to provide the notice required by this subsection shall not be entitled to any limitation of liability or to any defenses to liability set out in section 107 of this Act: *Provided, however,* That notification under this subsection is not required for any facility which would be reportable hereunder solely as a result of any stoppage in transit which is temporary, incidental to the transportation movement, or at the ordinary operating convenience of a common or contract carrier, and such stoppage shall be considered as a continuity of movement and not as the storage of a hazardous substance. Notification received pursuant to this subsection or information obtained by the exploitation of such notification shall not be used against any such person in any criminal case, except a prosecution for perjury or for giving a false statement.

42 USC 6921.

Rules and regulations.

(d)(1) The Administrator of the Environmental Protection Agency is authorized to promulgate rules and regulations specifying, with respect to—

(A) the location, title, or condition of a facility, and

(B) the identity, characteristics, quantity, origin, or condition (including containerization and previous treatment) of any hazardous substances contained or deposited in a facility;

the records which shall be retained by any person required to provide the notification of a facility set out in subsection (c) of this section. Such specification shall be in accordance with the provisions of this subsection.

(2) Beginning with the date of enactment of this Act, for fifty years thereafter or for fifty years after the date of establishment of a record (whichever is later), or at any such earlier time as a waiver if obtained under paragraph (3) of this subsection, it shall be unlawful for any

such person knowingly to destroy, mutilate, erase, dispose of, conceal, or otherwise render unavailable or unreadable or falsify any records identified in paragraph (1) of this subsection. Any person who violates this paragraph shall, upon conviction, be fined not more than $20,000, or imprisoned for not more than one year, or both.

(3) At any time prior to the date which occurs fifty years after the date of enactment of this Act, any person identified under paragraph (1) of this subsection may apply to the Administrator of the Environmental Protection Agency for a waiver of the provisions of the first sentence of paragraph (2) of this subsection. The Administrator is authorized to grant such waiver if, in his discretion, such waiver would not unreasonably interfere with the attainment of the purposes and provisions of this Act. The Administrator shall promulgate rules and regulations regarding such a waiver so as to inform parties of the proper application procedure and conditions for approval of such a waiver.

Rules and regulations.

(4) Notwithstanding the provisions of this subsection, the Administrator of the Environmental Protection Agency may in his discretion require any such person to retain any record identified pursuant to paragraph (1) of this subsection for such a time period in excess of the period specified in paragraph (2) of this subsection as the Administrator determines to be necessary to protect the public health or welfare.

(e) This section shall not apply to the application of a pesticide product registered under the Federal Insecticide, Fungicide, and Rodenticide Act or to the handling and storage of such a pesticide product by an agricultural producer.

7 USC 136 note.

(f) No notification shall be required under subsection (a) or (b) of this section for any release of a hazardous substance—

(1) which is required to be reported (or specifically exempted from a requirement for reporting) under subtitle C of the Solid Waste Disposal Act or regulations thereunder and which has been reported to the National Response Center, or

42 USC 6921.

(2) which is a continuous release, stable in quantity and rate, and is—

(A) from a facility for which notification has been given under subsection (c) of this section, or

(B) a release of which notification has been given under subsections (a) and (b) of this section for a period sufficient to establish the continuity, quantity, and regularity of such release:

Provided, That notification in accordance with subsections (a) and (b) of this paragraph shall be given for releases subject to this paragraph annually, or at such time as there is any statistically significant increase in the quantity of any hazardous substance or constituent thereof released, above that previously reported or occurring.

RESPONSE AUTHORITIES

42 USC 9604.

SEC. 104. (a)(1) Whenever (A) any hazardous substance is released or there is a substantial threat of such a release into the environment, or (B) there is a release or substantial threat of release into the environment of any pollutant or contaminant which may present an imminent and substantial danger to the public health or welfare, the President is authorized to act, consistent with the national contingency plan, to remove or arrange for the removal of, and provide for remedial action relating to such hazardous substance, pollutant, or contaminant at any time (including its removal from any contaminated natural resource), or take any other response measure consistent with the national contingency plan which the President deems necessary to protect the public health or welfare or the environment, unless the President determines that such removal and remedial action will be done properly by the owner or operator of the vessel or facility from which the release or threat of release emanates, or by any other responsible party.

"Pollutant or contaminant."

(2) For the purposes of this section, "pollutant or contaminant" shall include, but not be limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations, in such organisms or their offspring. The term does not include petroleum, including crude oil and any fraction thereof which is not otherwise specifically listed or designated as hazardous substances under section 101(14) (A) through (F) of this title, nor does it include natural gas, liquefied natural gas, or synthetic gas of pipeline quality (or mixtures of natural gas and such synthetic gas).

(b) Whenever the President is authorized to act pursuant to subsection (a) of this section, or whenever the President has reason to believe that a release has occurred or is about to occur, or that illness, disease, or complaints thereof may be attributable to exposure to a hazardous substance, pollutant, or contaminant and that a release may have occurred or be occurring, he may undertake such investigations, monitoring, surveys, testing, and other information gathering as he may deem necessary or appropriate to identify the existence and extent of the release or threat thereof, the source and nature of the hazardous substances, pollutants or contaminants involved, and the extent of danger to the public health or welfare or to the environment. In addition, the President may undertake such planning, legal, fiscal, economic, engineering, architectural, and other studies or investigations as he may deem necessary or appropriate to plan and direct response actions, to recover the costs thereof, and to enforce the provisions of this Act.

(c)(1) Unless (A) the President finds that (i) continued response actions are immediately required to prevent, limit, or mitigate an emergency, (ii) there is an immediate risk to public health or welfare or the environment, and (iii) such assistance will not otherwise be provided on a timely basis, or (B) the President has determined the appropriate remedial actions pursuant to paragraph (2) of this subsection and the State or States in which the source of the release is located have complied with the requirements of paragraph (3) of this subsection, obligations from the Fund, other than those authorized by subsection (b) of this section, shall not continue after $1,000,000 has been obligated for response actions or six months has elapsed from the date of initial response to a release or threatened release of hazardous substances.

(2) The President shall consult with the affected State or States before determining any appropriate remedial action to be taken pursuant to the authority granted under subsection (a) of this section.

(3) The President shall not provide any remedial actions pursuant to this section unless the State in which the release occurs first enters into a contract or cooperative agreement with the President providing assurances deemed adequate by the President that (A) the State

will assure all future maintenance of the removal and remedial actions provided for the expected life of such actions as determined by the President; (B) the State will assure the availability of a hazardous waste disposal facility acceptable to the President and in compliance with the requirements of subtitle C of the Solid Waste Disposal Act for any necessary offsite storage, destruction, treatment, or secure disposition of the hazardous substances; and (C) the State will pay or assure payment of (i) 10 per centum of the costs of the remedial action, including all future maintenance, or (ii) at least 50 per centum or such greater amount as the President may determine appropriate, taking into account the degree of responsibility of the State or political subdivision, of any sums expended in response to a release at a facility that was owned at the time of any disposal of hazardous substances therein by the State or a political subdivision thereof. The President shall grant the State a credit against the share of the costs for which it is responsible under this paragraph for any documented direct out-of-pocket non-Federal funds expended or obligated by the State or a political subdivision thereof after January 1, 1978, and before the date of enactment of this Act for cost-eligible response actions and claims for damages compensable under section 111 of this title relating to the specific release in question: *Provided, however,* That in no event shall the amount of the credit granted exceed the total response costs relating to the release.

42 USC 6921.

(4) The President shall select appropriate remedial actions determined to be necessary to carry out this section which are to the extent practicable in accordance with the national contingency plan and which provide for that cost-effective response which provides a balance between the need for protection of public health and welfare and the environment at the facility under consideration, and the availability of amounts from the Fund established under title II of this Act to respond to other sites which present or may present a threat to public health or welfare or the environment, taking into consideration the need for immediate action.

Post, p. 2796.

(d)(1) Where the President determines that a State or political subdivision thereof has the capability to carry out any or all of the actions authorized in this section, the President may, in his discretion, enter into a contract or cooperative agreement with such State or political subdivision to take such actions in accordance with criteria and priorities established pursuant to section 105(8) of this title and to be reimbursed for the reasonable response costs thereof from the Fund. Any contract made hereunder shall be subject to the cost-sharing provisions of subsection (c) of this section.

(2) If the President enters into a cost-sharing agreement pursuant to subsection (c) of this section or a contract or cooperative agreement pursuant to this subsection, and the State or political subdivision thereof fails to comply with any requirements of the contract, the President may, after providing sixty days notice, seek in the appropriate Federal district court to enforce the contract or to recover any funds advanced or any costs incurred because of the breach of the contract by the State or political subdivision.

(3) Where a State or a political subdivision thereof is acting in behalf of the President, the President is authorized to provide technical and legal assistance in the administration and enforcement of any contract or subcontract in connection with response actions assisted under this title, and to intervene in any civil action involving the enforcement of such contract or subcontract.

(4) Where two or more noncontiguous facilities are reasonably related on the basis of geography, or on the basis of the threat, or

potential threat to the public health or welfare or the environment, the President may, in his discretion, treat these related facilities as one for purposes of this section.

(e)(1) For purposes of assisting in determining the need for response to a release under this title or enforcing the provisions of this title, any person who stores, treats, or disposes of, or, where necessary to ascertain facts not available at the facility where such hazardous substances are located, who generates, transports, or otherwise handles or has handled, hazardous substances shall, upon request of any officer, employee, or representative of the President, duly designated by the President, or upon request of any duly designated officer, employee, or representative of a State, where appropriate, furnish information relating to such substances and permit such person at all reasonable times to have access to, and to copy all records relating to such substances. For the purposes specified in the preceding sentence, such officers, employees, or representatives are authorized—

(A) to enter at reasonable times any establishment or other place where such hazardous substances are or have been generated, stored, treated, or disposed of, or transported from;

(B) to inspect and obtain samples from any person of any such substance and samples of any containers or labeling for such substances. Each such inspection shall be commenced and completed with reasonable promptness. If the officer, employee, or representative obtains any samples, prior to leaving the premises, he shall give to the owner, operator, or person in charge a receipt describing the sample obtained and if requested a portion of each such sample equal in volume of weight to the portion retained. If any analysis is made of such samples, a copy of the results of such analysis shall be furnished promptly to the owner, operator, or person in charge.

(2)(A) Any records, reports, or information obtained from any person under this section (including records, reports, or information obtained by representatives of the President) shall be available to the public, except that upon a showing satisfactory to the President (or the State, as the case may be) by any person that records, reports, or information, or particular part thereof (other than health or safety effects data), to which the President (or the State, as the case may be) or any officer, employee, or representative has access under this section if made public would divulge information entitled to protection under section 1905 of title 18 of the United States Code, such information or particular portion thereof shall be considered confidential in accordance with the purposes of that section, except that such record, report, document or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this Act, or when relevant in any proceeding under this Act.

(B) Any person not subject to the provisions of section 1905 of title 18 of the United States Code who knowingly and willfully divulges or discloses any information entitled to protection under this subsection shall, upon conviction, be subject to a fine of not more than $5,000 or to imprisonment not to exceed one year, or both.

(C) In submitting data under this Act, a person required to provide such data may (i) designate the data which such person believes is entitled to protection under this subsection and (ii) submit such designated data separately from other data submitted under this Act. A designation under this paragraph shall be made in writing and in such manner as the President may prescribe by regulation.

(D) Notwithstanding any limitation contained in this section or any other provision of law, all information reported to or otherwise obtained by the President (or any representative of the President) under this Act shall be made available, upon written request of any duly authorized committee of the Congress, to such committee.

Post, p. 2805.

(f) In awarding contracts to any person engaged in response actions, the President or the State, in any case where it is awarding contracts pursuant to a contract entered into under subsection (d) of this section, shall require compliance with Federal health and safety standards established under section 301(f) of this Act by contractors and subcontractors as a condition of such contracts.

40 USC 276a note.

(g)(1) All laborers and mechanics employed by contractors or subcontractors in the performance of construction, repair, or alteration work funded in whole or in part under this section shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act. The President shall not approve any such funding without first obtaining adequate assurance that required labor standards will be maintained upon the construction work.

5 USC app.

(2) The Secretary of Labor shall have, with respect to the labor standards specified in paragraph (1), the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 276c of title 40 of the United States Code.

(h) Notwithstanding any other provision of law, subject to the provisions of section 111 of this Act, the President may authorize the use of such emergency procurement powers as he deems necessary to effect the purpose of this Act. Upon determination that such procedures are necessary, the President shall promulgate regulations prescribing the circumstances under which such authority shall be used and the procedures governing the use of such authority.

Agency for Toxic Substances and Disease Registry. Establishment.

(i) There is hereby established within the Public Health Service an agency, to be known as the Agency for Toxic Substances and Disease Registry, which shall report directly to the Surgeon General of the United States. The Administrator of said Agency shall, with the cooperation of the Administrator of the Environmental Protection Agency, the Commissioner of the Food and Drug Administration, the Directors of the National Institute of Medicine, National Institute of Environmental Health Sciences, National Institute of Occupational Safety and Health, Centers for Disease Control, the Administrator of the Occupational Safety and Health Administration, and the Administrator of the Social Security Administration, effectuate and implement the health related authorities of this Act. In addition, said Administrator shall—

(1) in cooperation with the States, establish and maintain a national registry of serious diseases and illnesses and a national registry of persons exposed to toxic substances;

(2) establish and maintain inventory of literature, research, and studies on the health effects of toxic substances;

(3) in cooperation with the States, and other agencies of the Federal Government, establish and maintain a complete listing of areas closed to the public or otherwise restricted in use because of toxic substance contamination;

(4) in cases of public health emergencies caused or believed to be caused by exposure to toxic substances, provide medical care and testing to exposed individuals, including but not limited to tissue sampling, chromosomal testing, epidemiological studies,

or any other assistance appropriate under the circumstances; and

(5) either independently or as part of other health status survey, conduct periodic survey and screening programs to determine relationships between exposure to toxic substances and illness. In cases of public health emergencies, exposed persons shall be eligible for admission to hospitals and other facilities and services operated or provided by the Public Health Service.

NATIONAL CONTINGENCY PLAN

42 USC 9605.

33 USC 1321.

SEC. 105. Within one hundred and eighty days after the enactment of this Act, the President shall, after notice and opportunity for public comments, revise and republish the national contingency plan for the removal of oil and hazardous substances, originally prepared and published pursuant to section 311 of the Federal Water Pollution Control Act, to reflect and effectuate the responsibilities and powers created by this Act, in addition to those matters specified in section 311(c)(2). Such revision shall include a section of the plan to be known as the national hazardous substance response plan which shall establish procedures and standards for responding to releases of hazardous substances, pollutants, and contaminants, which shall include at a minimum:

(1) methods for discovering and investigating facilities at which hazardous substances have been disposed of or otherwise come to be located;

(2) methods for evaluating, including analyses of relative cost, and remedying any releases or threats of releases from facilities which pose substantial danger to the public health or the environment;

(3) methods and criteria for determining the appropriate extent of removal, remedy, and other measures authorized by this Act;

(4) appropriate roles and responsibilities for the Federal, State, and local governments and for interstate and nongovernmental entities in effectuating the plan;

(5) provision for identification, procurement, maintenance, and storage of response equipment and supplies;

(6) a method for and assignment of responsibility for reporting the existence of such facilities which may be located on federally owned or controlled properties and any releases of hazardous substances from such facilities;

(7) means of assuring that remedial action measures are cost-effective over the period of potential exposure to the hazardous substances or contaminated materials;

(8)(A) criteria for determining priorities among releases or threatened releases throughout the United States for the purpose of taking remedial action and, to the extent practicable taking into account the potential urgency of such action, for the purpose of taking removal action. Criteria and priorities under this paragraph shall be based upon relative risk or danger to public health or welfare or the environment, in the judgment of the President, taking into account to the extent possible the population at risk, the hazard potential of the hazardous substances at such facilities, the potential for contamination of drinking water supplies, the potential for direct human contact, the potential for destruction of sensitive ecosystems, State preparedness to assume State costs and responsibilities, and other appropriate factors;

(B) based upon the criteria set forth in subparagraph (A) of this paragraph, the President shall list as part of the plan national priorities among the known releases or threatened releases throughout the United States and shall revise the list no less often than annually. Within one year after the date of enactment of this Act, and annually thereafter, each State shall establish and submit for consideration by the President priorities for remedial action among known releases and potential releases in that State based upon the criteria set forth in subparagraph (A) of this paragraph. In assembling or revising the national list, the President shall consider any priorities established by the States. To the extent practicable, at least four hundred of the highest priority facilities shall be designated individually and shall be referred to as the "top priority among known response targets", and, to the extent practicable, shall include among the one hundred highest priority facilities at least one such facility from each State which shall be the facility designated by the State as presenting the greatest danger to public health or welfare or the environment among the known facilities in such State. Other priority facilities or incidents may be listed singly or grouped for response priority purposes; and

(9) specified roles for private organizations and entities in preparation for response and in responding to releases of hazardous substances, including identification of appropriate qualifications and capacity therefor.

The plan shall specify procedures, techniques, materials, equipment, and methods to be employed in identifying, removing, or remedying releases of hazardous substances comparable to those required under section 311(c)(2) (F) and (G) and (j)(1) of the Federal Water Pollution Control Act. Following publication of the revised national contingency plan, the response to and actions to minimize damage from hazardous substances releases shall, to the greatest extent possible, be in accordance with the provisions of the plan. The President may, from time to time, revise and republish the national contingency plan.

33 USC 1321.

Revision and republication.

ABATEMENT ACTION

42 USC 9606.

SEC. 106. (a) In addition to any other action taken by a State or local government, when the President determines that there may be an imminent and substantial endangerment to the public health or welfare or the environment because of an actual or threatened release of a hazardous substance from a facility, he may require the Attorney General of the United States to secure such relief as may be necessary to abate such danger or threat, and the district court of the United States in the district in which the threat occurs shall have jurisdiction to grant such relief as the public interest and the equities of the case may require. The President may also, after notice to the affected State, take other action under this section including, but not limited to, issuing such orders as may be necessary to protect public health and welfare and the environment.

Notice.

(b) Any person who willfully violates, or fails or refuses to comply with, any order of the President under subsection (a) may, in an action brought in the appropriate United States district court to enforce such order, be fined not more than $5,000 for each day in which such violation occurs or such failure to comply continues.

(c) Within one hundred and eighty days after enactment of this Act, the Administrator of the Environmental Protection Agency shall, after consultation with the Attorney General, establish and publish guidelines for using the imminent hazard, enforcement, and emergency response authorities of this section and other existing statutes administered by the Administrator of the Environmental Protection Agency to effectuate the responsibilities and powers created by this Act. Such guidelines shall to the extent practicable be consistent with the national hazardous substance response plan, and shall include, at a minimum, the assignment of responsibility for coordinating response actions with the issuance of administrative orders, enforcement of standards and permits, the gathering of information, and other imminent hazard and emergency powers authorized by (1) sections 311(c)(2), 308, 309, and 504(a) of the Federal Water Pollution Control Act, (2) sections 3007, 3008, 3013, and 7003 of the Solid Waste Disposal Act, (3) sections 1445 and 1431 of the Safe Drinking Water Act, (4) sections 113, 114, and 303 of the Clean Air Act, and (5) section 7 of the Toxic Substances Control Act.

Guidelines.

33 USC 1321, 1318, 1319, 1364.
42 USC 6927, 6928; *Ante*, p. 2344; 42 USC 6973.
42 USC 300j-4, 300i.
42 USC 7413, 7414, 7603.
15 USC 2606.

LIABILITY

42 USC 9607.

Sec. 107. (a) Notwithstanding any other provision or rule of law, and subject only to the defenses set forth in subsection (b) of this section—

(1) the owner and operator of a vessel (otherwise subject to the jurisdiction of the United States) or a facility,

(2) any person who at the time of disposal of any hazardous substance owned or operated any facility at which such hazardous substances were disposed of,

(3) any person who by contract, agreement, or otherwise arranged for disposal or treatment, or arranged with a transporter for transport for disposal or treatment, of hazardous substances owned or possessed by such person, by any other party or entity, at any facility owned or operated by another party or entity and containing such hazardous substances, and

(4) any person who accepts or accepted any hazardous substances for transport to disposal or treatment facilities or sites selected by such person, from which there is a release, or a threatened release which causes the incurrence of response costs, of a hazardous substance, shall be liable for—

(A) all costs of removal or remedial action incurred by the United States Government or a State not inconsistent with the national contingency plan;

(B) any other necessary costs of response incurred by any other person consistent with the national contingency plan; and

(C) damages for injury to, destruction of, or loss of natural resources, including the reasonable costs of assessing such injury, destruction, or loss resulting from such a release.

(b) There shall be no liability under subsection (a) of this section for a person otherwise liable who can establish by a preponderance of the evidence that the release or threat of release of a hazardous substance and the damages resulting therefrom were caused solely by—

(1) an act of God;

(2) an act of war;

(3) an act or omission of a third party other than an employee or agent of the defendant, or than one whose act or omission occurs in connection with a contractual relationship, existing

directly or indirectly, with the defendant (except where the sole contractual arrangement arises from a published tariff and acceptance for carriage by a common carrier by rail), if the defendant establishes by a preponderance of the evidence that (a) he exercised due care with respect to the hazardous substance concerned, taking into consideration the characteristics of such hazardous substance, in light of all relevant facts and circumstances, and (b) he took precautions against foreseeable acts or omissions of any such third party and the consequences that could foreseeably result from such acts or omissions; or

(4) any combination of the foregoing paragraphs.

(c)(1) Except as provided in paragraph (2) of this subsection, the liability under this section of an owner or operator or other responsible person for each release of a hazardous substance or incident involving release of a hazardous substance shall not exceed—

(A) for any vessel which carries any hazardous substance as cargo or residue, $300 per gross ton, or $5,000,000, whichever is greater;

(B) for any other vessel, $300 per gross ton, or $500,000, whichever is greater;

(C) for any motor vehicle, aircraft, pipeline (as defined in the Hazardous Liquid Pipeline Safety Act of 1979), or rolling stock, $50,000,000 or such lesser amount as the President shall establish by regulation, but in no event less than $5,000,000 (or, for releases of hazardous substances as defined in section 101(14)(A) of this title into the navigable waters, $8,000,000). Such regulations shall take into account the size, type, location, storage, and handling capacity and other matters relating to the likelihood of release in each such class and to the economic impact of such limits on each such class; or

49 USC 2001 note.

(D) for any facility other than those specified in subparagraph (C) of this paragraph, the total of all costs of response plus $50,000,000 for any damages under this title.

(2) Notwithstanding the limitations in paragraph (1) of this subsection, the liability of an owner or operator or other responsible person under this section shall be the full and total costs of response and damages, if (A)(i) the release or threat of release of a hazardous substance was the result of willful misconduct or willful negligence within the privity or knowledge of such person, or (ii) the primary cause of the release was a violation (within the privity or knowledge of such person) of applicable safety, construction, or operating standards or regulations; or (B) such person fails or refuses to provide all reasonable cooperation and assistance requested by a responsible public official in connection with response activities under the national contingency plan with respect to regulated carriers subject to the provisions of title 49 of the United States Code or vessels subject to the provisions of title 33 or 46 of the United States Code, subparagraph (A)(ii) of this paragraph shall be deemed to refer to Federal standards or regulations.

(3) If any person who is liable for a release or threat of release of a hazardous substance fails without sufficient cause to properly provide removal or remedial action upon order of the President pursuant to section 104 or 106 of this Act, such person may be liable to the United States for punitive damages in an amount at least equal to, and not more than three times, the amount of any costs incurred by the Fund as a result of such failure to take proper action. The President is authorized to commence a civil action against any such person to recover the punitive damages, which shall be in addition to

any costs recovered from such person pursuant to section 112(c) of this Act. Any moneys received by the United States pursuant to this subsection shall be deposited in the Fund.

(d) No person shall be liable under this title for damages as a result of actions taken or omitted in the course of rendering care, assistance, or advice in accordance with the national contingency plan or at the direction of an onscene coordinator appointed under such plan, with respect to an incident creating a danger to public health or welfare or the environment as a result of any release of a hazardous substance or the threat thereof. This subsection shall not preclude liability for damages as the result of gross negligence or intentional misconduct on the part of such person. For the purposes of the preceding sentence, reckless, willful, or wanton misconduct shall constitute gross negligence.

(e)(1) No indemnification, hold harmless, or similar agreement or conveyance shall be effective to transfer from the owner or operator of any vessel or facility or from any person who may be liable for a release or threat of release under this section, to any other person the liability imposed under this section. Nothing in this subsection shall bar any agreement to insure, hold harmless, or indemnify a party to such agreement for any liability under this section.

(2) Nothing in this title, including the provisions of paragraph (1) of this subsection, shall bar a cause of action that an owner or operator or any other person subject to liability under this section, or a guarantor, has or would have, by reason of subrogation or otherwise against any person.

(f) In the case of an injury to, destruction of, or loss of natural resources under subparagraph (C) of subsection (a) liability shall be to the United States Government and to any State for natural resources within the State or belonging to, managed by, controlled by, or appertaining to such State: *Provided, however,* That no liability to the United States or State shall be imposed under subparagraph (C) of subsection (a), where the party sought to be charged has demonstrated that the damages to natural resources complained of were specifically identified as an irreversible and irretrievable commitment of natural resources in an environmental impact statement, or other comparable environment analysis, and the decision to grant a permit or license authorizes such commitment of natural resources, and the facility or project was otherwise operating within the terms of its permit or license. The President, or the authorized representative of any State, shall act on behalf of the public as trustee of such natural resources to recover for such damages. Sums recovered shall be available for use to restore, rehabilitate, or acquire the equivalent of such natural resources by the appropriate agencies of the Federal Government or the State government, but the measure of such damages shall not be limited by the sums which can be used to restore or replace such resources. There shall be no recovery under the authority of subparagraph (C) of subsection (a) where such damages and the release of a hazardous substance from which such damages resulted have occurred wholly before the enactment of this Act.

(g) Each department, agency, or instrumentality of the executive, legislative, and judicial branches of the Federal Government shall be subject to, and comply with, this Act in the same manner and to the same extent, both procedurally and substantively, as any nongovernmental entity, including liability under this section.

(h) The owner or operator of a vessel shall be liable in accordance with this section and as provided under section 114 of this Act notwithstanding any provision of the Act of March 3, 1851 (46 U.S.C. 183ff).

(i) No person (including the United States or any State) may recover under the authority of this section for any response costs or damages resulting from the application of a pesticide product registered under the Federal Insecticide, Fungicide, and Rodenticide Act. 7 USC 136 note. Nothing in this paragraph shall affect or modify in any way the obligations or liability of any person under any other provision of State or Federal law, including common law, for damages, injury, or loss resulting from a release of any hazardous substance or for removal or remedial action or the costs of removal or remedial action of such hazardous substance.

(j) Recovery by any person (including the United States or any State) for response costs or damages resulting from a federally permitted release shall be pursuant to existing law in lieu of this section. Nothing in this paragraph shall affect or modify in any way the obligations or liability of any person under any other provision of State or Federal law, including common law, for damages, injury, or loss resulting from a release of any hazardous substance or for removal or remedial action or the costs of removal or remedial action of such hazardous substance. In addition, costs of response incurred by the Federal Government in connection with a discharge specified in section 101(10) (B) or (C) shall be recoverable in an action brought under section 309(b) of the Clean Water Act. 33 USC 1319.

(k)(1) The liability established by this section or any other law for the owner or operator of a hazardous waste disposal facility which has received a permit under subtitle C of the Solid Waste Disposal Act, shall be transferred to and assumed by the Post-closure Liability Fund established by section 232 of this Act when— *Post*, p. 2804.

(A) such facility and the owner and operator thereof has complied with the requirements of subtitle C of the Solid Waste Disposal Act and regulations issued thereunder, which may affect the performance of such facility after closure; and 42 USC 6921.

(B) such facility has been closed in accordance with such regulations and the conditions of such permit, and such facility and the surrounding area have been monitored as required by such regulations and permit conditions for a period not to exceed five years after closure to demonstrate that there is no substantial likelihood that any migration offsite or release from confinement of any hazardous substance or other risk to public health or welfare will occur.

(2) Such transfer of liability shall be effective ninety days after the owner or operator of such facility notifies the Administrator of the Environmental Protection Agency (and the State where it has an authorized program under section 3006(b) of the Solid Waste Disposal Act) that the conditions imposed by this subsection have been satisfied. 42 USC 6926. If within such ninety-day period the Administrator of the Environmental Protection Agency or such State determines that any such facility has not complied with all the conditions imposed by this subsection or that insufficient information has been provided to demonstrate such compliance, the Administrator or such State shall so notify the owner and operator of such facility and the administrator of the Fund established by section 232 of this Act, and the owner and operator of such facility shall continue to be liable with respect to such facility under this section and other law until such time as the Administrator and such State determines that such facility has complied with all conditions imposed by this subsection. A determination by the Administrator or such State that a facility has not

complied with all conditions imposed by this subsection or that insufficient information has been supplied to demonstrate compliance, shall be a final administrative action for purposes of judicial review. A request for additional information shall state in specific terms the data required.

(3) In addition to the assumption of liability of owners and operators under paragraph (1) of this subsection, the Post-closure Liability Fund established by section 232 of this Act may be used to pay costs of monitoring and care and maintenance of a site incurred by other persons after the period of monitoring required by regulations under subtitle C of the Solid Waste Disposal Act for hazardous waste disposal facilities meeting the conditions of paragraph (1) of this subsection. 42 USC 6921.

(4)(A) Not later than one year after the date of enactment of this Act, the Secretary of the Treasury shall conduct a study and shall submit a report thereon to the Congress on the feasibility of establishing or qualifying an optional system of private insurance for postclosure financial responsibility for hazardous waste disposal facilities to which this subsection applies. Such study shall include a specification of adequate and realistic minimum standards to assure that any such privately placed insurance will carry out the purposes of this subsection in a reliable, enforceable, and practical manner. Such a study shall include an examination of the public and private incentives, programs, and actions necessary to make privately placed insurance a practical and effective option to the financing system for the Post-closure Liability Fund provided in title II of this Act.

(B) Not later than eighteen months after the date of enactment of this Act and after a public hearing, the President shall by rule determine whether or not it is feasible to establish or qualify an optional system of private insurance for postclosure financial responsibility for hazardous waste disposal facilities to which this subsection applies. If the President determines the establishment or qualification of such a system would be infeasible, he shall promptly publish an explanation of the reasons for such a determination. If the President determines the establishment or qualification of such a system would be feasible, he shall promptly publish notice of such determination. Not later than six months after an affirmative determination under the preceding sentence and after a public hearing, the President shall by rule promulgate adequate and realistic minimum standards which must be met by any such privately placed insurance, taking into account the purposes of this Act and this subsection. Such rules shall also specify reasonably expeditious procedures by which privately placed insurance plans can qualify as meeting such minimum standards.

(C) In the event any privately placed insurance plan qualifies under subparagraph (B), any person enrolled in, and complying with the terms of, such plan shall be excluded from the provisions of paragraphs (1), (2), and (3) of this subsection and exempt from the requirements to pay any tax or fee to the Post-closure Liability Fund under title II of this Act.

(D) The President may issue such rules and take such other actions as are necessary to effectuate the purposes of this paragraph. Rules

FINANCIAL RESPONSIBILITY

SEC. 108. (a)(1) The owner or operator of each vessel (except a non-self-propelled barge that does not carry hazardous substances as cargo) over three hundred gross tons that uses any port or place in the 42 USC 9608.

United States or the navigable waters or any offshore facility, shall establish and maintain, in accordance with regulations promulgated by the President, evidence of financial responsibility of $300 per gross ton (or for a vessel carrying hazardous substances as cargo, or $5,000,000, whichever is greater). Financial responsibility may be established by any one, or any combination, of the following: insurance, guarantee, surety bond, or qualification as a self-insurer. Any bond filed shall be issued by a bonding company authorized to do business in the United States. In cases where an owner or operator owns, operates, or charters more than one vessel subject to this subsection, evidence of financial responsibility need be established only to meet the maximum liability applicable to the largest of such vessels.

(2) The Secretary of the Treasury shall withhold or revoke the clearance required by section 4197 of the Revised Statutes of the United States of any vessel subject to this subsection that does not have certification furnished by the President that the financial responsibility provisions of paragraph (1) of this subsection have been complied with.

46 USC 91.

(3) The Secretary of Transportation, in accordance with regulations issued by him, shall (A) deny entry to any port or place in the United States or navigable waters to, and (B) detain at the port or place in the United States from which it is about to depart for any other port or place in the United States, any vessel subject to this subsection that, upon request, does not produce certification furnished by the President that the financial responsibility provisions of paragraph (1) of this subsection have been complied with.

(b)(1) Beginning not earlier than five years after the date of enactment of this Act, the President shall promulgate requirements (for facilities in addition to those under subtitle C of the Solid Waste Disposal Act and other Federal law) that classes of facilities establish and maintain evidence of financial responsibility consistent with the degree and duration of risk associated with the production, transportation, treatment, storage, or disposal of hazardous substances. Not later than three years after the date of enactment of the Act, the President shall identify those classes for which requirements will be first developed and publish notice of such identification in the Federal Register. Priority in the development of such requirements shall be accorded to those classes of facilities, owners, and operators which the President determines present the highest level of risk of injury.

42 USC 6921.

Publication in Federal Register

(2) The level of financial responsibility shall be initially established, and, when necessary, adjusted to protect against the level of risk which the President in his discretion believes is appropriate based on the payment experience of the Fund, commercial insurers, courts settlements and judgments, and voluntary claims satisfaction. To the maximum extent practicable, the President shall cooperate with and seek the advice of the commercial insurance industry in developing financial responsibility requirements.

(3) Regulations promulgated under this subsection shall incrementally impose financial responsibility requirements over a period of not less than three and no more than six years after the date of promulgation. Where possible, the level of financial responsibility which the President believes appropriate as a final requirement shall be achieved through incremental, annual increases in the requirements.

(4) Where a facility is owned or operated by more than one person, evidence of financial responsibility covering the facility may be

established and maintained by one of the owners or operators, or, in consolidated form, by or on behalf of two or more owners or operators. When evidence of financial responsibility is established in a consolidated form, the proportional share of each participant shall be shown. The evidence shall be accompanied by a statement authorizing the applicant to act for and in behalf of each participant in submitting and maintaining the evidence of financial responsibility.

(5) The requirements for evidence of financial responsibility for motor carriers covered by this Act shall be determined under section 30 of the Motor Carrier Act of 1980, Public Law 96-296. *Ante*, p. 820.

(c) Any claim authorized by section 107 or 111 may be asserted directly against any guarantor providing evidence of financial responsibility as required under this section. In defending such a claim, the guarantor may invoke all rights and defenses which would be available to the owner or operator under this title. The guarantor may also invoke the defense that the incident was caused by the willful misconduct of the owner or operator, but such guarantor may not invoke any other defense that such guarantor might have been entitled to invoke in a proceeding brought by the owner or operator against him.

(d) Any guarantor acting in good faith against which claims under this Act are asserted as a guarantor shall be liable under section 107 or section 112(c) of this title only up to the monetary limits of the policy of insurance or indemnity contract such guarantor has undertaken or of the guaranty of other evidence of financial responsibility furnished under section 108 of this Act, and only to the extent that liability is not excluded by restrictive endorsement: *Provided*, That this subsection shall not alter the liability of any person under section 107 of this Act.

PENALTY

SEC. 109. Any person who, after notice and an opportunity for a hearing, is found to have failed to comply with the requirements of section 108, the regulations issued thereunder, or with any denial or detention order shall be liable to the United States for a civil penalty, not to exceed $10,000 for each day of violation. 42 USC 9609.

EMPLOYEE PROTECTION

SEC. 110. (a) No person shall fire or in any other way discriminate against, or cause to be fired or discriminated against, any employee or any authorized representative of employees by reason of the fact that such employee or representative has provided information to a State or to the Federal Government, filed, instituted, or caused to be filed or instituted any proceeding under this Act, or has testified or is about to testify in any proceeding resulting from the administration or enforcement of the provisions of this Act. 42 USC 9610.

(b) Any employee or a representative of employees who believes that he has been fired or otherwise discriminated against by any person in violation of subsection (a) of this section may, within thirty days after such alleged violation occurs, apply to the Secretary of Labor for a review of such firing or alleged discrimination. A copy of the application shall be sent to such person, who shall be the respondent. Upon receipt of such application, the Secretary of Labor shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a public hearing at the request of any party to such review to enable the parties to present information relating to such alleged violation. The parties shall be given written notice of the time and place of the hearing at least five days prior to the hearing. Any such hearing shall be of record and shall be subject to section 554 of title 5, United States Code. Upon receiving the report of such investigation, the Secretary of Labor shall make findings of fact. If he finds that such violation did occur, he shall issue a decision, incorporating an order therein and his findings, requiring the party committing such violation to take such affirmative action to abate the violation as the Secretary of Labor deems appropriate, including, but not limited to, the rehiring or reinstatement of the employee or representative of employees to his former position with compensation. If he finds that there was no such violation, he shall issue an order denying the application. Such order issued by the Secretary of Labor under this subparagraph shall be subject to judicial review in the same manner as orders and decisions are subject to judicial review under this Act.

(c) Whenever an order is issued under this section to abate such violation, at the request of the applicant a sum equal to the aggregate amount of all costs and expenses (including the attorney's fees) determined by the Secretary of Labor to have been reasonably incurred by the applicant for, or in connection with, the institution and prosecution of such proceedings, shall be assessed against the person committing such violation.

(d) This section shall have no application to any employee who acting without discretion from his employer (or his agent) deliberately violates any requirement of this Act.

(e) The President shall conduct continuing evaluations of potential loss of shifts of employment which may result from the administration or enforcement of the provisions of this Act, including, where appropriate, investigating threatened plant closures or reductions in employment allegedly resulting from such administration or enforcement. Any employee who is discharged, or laid off, threatened with discharge or layoff, or otherwise discriminated against by any person because of the alleged results of such administration or enforcement, or any representative of such employee, may request the President to conduct a full investigation of the matter and, at the request of any party, shall hold public hearings, require the parties, including the employer involved, to present information relating to the actual or potential effect of such administration or enforcement on employment and any alleged discharge, layoff, or other discrimination, and the detailed reasons or justification therefore. Any such hearing shall be of record and shall be subject to section 554 of title 5, United States Code. Upon receiving the report of such investigation, the President shall make findings of fact as to the effect of such administration or enforcement on employment and on the alleged discharge, layoff, or discrimination and shall make such recommendations as he deems appropriate. Such report, findings, and recommendations shall be available to the public. Nothing in this subsection shall be construed to require or authorize the President or any State to modify or withdraw any action, standard, limitation, or any other requirement of this Act.

USES OF FUND

42 USC 9611.

SEC. 111. (a) The President shall use the money in the Fund for the following purposes:

(1) payment of governmental response costs incurred pursuant to section 104 of this title, including costs incurred pursuant to the Intervention on the High Seas Act; 33 USC 1471 note.

(2) payment of any claim for necessary response costs incurred by any other person as a result of carrying out the national contingency plan established under section 311(c) of the Clean Water Act and amended by section 105 of this title: *Provided, however,* That such costs must be approved under said plan and certified by the responsible Federal official; 33 USC 1321.

(3) payment of any claim authorized by subsection (b) of this section and finally decided pursuant to section 112 of this title, including those costs set out in subsection 112(c)(3) of this title; and

(4) payment of costs specified under subsection (c) of this section.

The President shall not pay for any administrative costs or expenses out of the Fund unless such costs and expenses are reasonably necessary for and incidental to the implementation of this title.

(b) Claims asserted and compensable but unsatisfied under provisions of section 311 of the Clean Water Act, which are modified by section 304 of this Act may be asserted against the Fund under this title; and other claims resulting from a release or threat of release of a hazardous substance from a vessel or a facility may be asserted against the Fund under this title for injury to, or destruction or loss of, natural resources, including cost for damage assessment: *Provided, however,* That any such claim may be asserted only by the President, as trustee, for natural resources over which the United States has sovereign rights, or natural resources within the territory or the fishery conservation zone of the United States to the extent they are managed or protected by the United States, or by any State for natural resources within the boundary of that State belonging to, managed by, controlled by, or appertaining to the State. *Post,* p. 2809.

(c) Uses of the Fund under subsection (a) of this section include—

(1) the costs of assessing both short-term and long-term injury to, destruction of, or loss of any natural resources resulting from a release of a hazardous substance;

(2) the costs of Federal or State efforts in the restoration, rehabilitation, or replacement or acquiring the equivalent of any natural resources injured, destroyed, or lost as a result of a release of a hazardous substance;

(3) subject to such amounts as are provided in appropriation Acts, the costs of a program to identify, investigate, and take enforcement and abatement action against releases of hazardous substances;

(4) the costs of epidemiologic studies, development and maintenance of a registry of persons exposed to hazardous substances to allow long-term health effect studies, and diagnostic services not otherwise available to determine whether persons in populations exposed to hazardous substances in connection with a release or a suspected release are suffering from long-latency diseases;

(5) subject to such amounts as are provided in appropriation Acts, the costs of providing equipment and similar overhead, related to the purposes of this Act and section 311 of the Clean Water Act, and needed to supplement equipment and services available through contractors or other non-Federal entities, and of establishing and maintaining damage assessment capability, for any Federal agency involved in strike forces, emergency task

forces, or other response teams under the national contingency plan; and

(6) subject to such amounts as are provided in appropriation Acts, the costs of a program to protect the health and safety of employees involved in response to hazardous substance releases. Such program shall be developed jointly by the Environmental Protection Agency, the Occupational Safety and Health Administration, and the National Institute for Occupational Safety and Health and shall include, but not be limited to, measures for identifying and assessing hazards to which persons engaged in removal, remedy, or other response to hazardous substances may be exposed, methods to protect workers from such hazards, and necessary regulatory and enforcement measures to assure adequate protection of such employees.

(d)(1) No money in the Fund may be used under subsection (c) (1) and (2) of this section, nor for the payment of any claim under subsection (b) of this section, where the injury, destruction, or loss of natural resources and the release of a hazardous substance from which such damages resulted have occurred wholly before the enactment of this Act.

(2) No money in the Fund may be used for the payment of any claim under subsection (b) of this section where such expenses are associated with injury or loss resulting from long-term exposure to ambient concentrations of air pollutants from multiple or diffuse sources.

(e)(1) Claims against or presented to the Fund shall not be valid or paid in excess of the total money in the Fund at any one time. Such claims become valid only when additional money is collected, appropriated, or otherwise added to the Fund. Should the total claims outstanding at any time exceed the current balance of the Fund, the President shall pay such claims, to the extent authorized under this section, in full in the order in which they were finally determined.

(2) In any fiscal year, 85 percent of the money credited to the Fund under title II of this Act shall be available only for the purposes specified in paragraphs (1), (2), and (4) of subsection (a) of this section.

(3) No money in the Fund shall be available for remedial action, other than actions specified in subsection (c) of this section, with respect to federally owned facilities.

(4) Paragraphs (1) and (4) of subsection (a) of this section shall in the aggregate be subject to such amounts as are provided in appropriation Acts.

Regulations.

(f) The President is authorized to promulgate regulations designating one or more Federal officials who may obligate money in the Fund in accordance with this section or portions thereof. The President is also authorized to delegate authority to obligate money in the Fund or to settle claims to officials of a State operating under a contract or cooperative agreement with the Federal Government pursuant to section 104(d) of this title.

(g) The President shall provide for the promulgation of rules and regulations with respect to the notice to be provided to potential injured parties by an owner and operator of any vessel, or facility from which a hazardous substance has been released. Such rules and regulations shall consider the scope and form of the notice which would be appropriate to carry out the purposes of this title. Upon promulgation of such rules and regulations, the owner and operator of any vessel or facility from which a hazardous substance has been released shall provide notice in accordance with such rules and regulations. With respect to releases from public vessels, the President shall provide such notification as is appropriate to potential injured parties. Until the promulgation of such rules and regulations, the owner and operator of any vessel or facility from which a hazardous substance has been released shall provide reasonable notice to potential injured parties by publication in local newspapers serving the affected area.

(h)(1) In accordance with regulations promulgated under section 301(c) of this Act, damages for injury to, destruction of, or loss of natural resources resulting from a release of a hazardous substance, for the purposes of this Act and section 311(f) (4) and (5) of the Federal Water Pollution Control Act, shall be assessed by Federal officials designated by the President under the national contingency plan published under section 105 of the Act, and such officials shall act for the President as trustee under this section and section 311(f)(5) of the Federal Water Pollution Control Act. 33 USC 1321.

(2) Any determination or assessment of damages for injury to, destruction of, or loss of natural resources for the purposes of this Act and section 311(f) (4) and (5) of the Federal Water Pollution Control Act shall have the force and effect of a rebuttable presumption on behalf of any claimant (including a trustee under section 107 of this Act or a Federal agency) in any judicial or adjudicatory administrative proceeding under this Act or section 311 of the Federal Water Pollution Control Act.

(i) Except in a situation requiring action to avoid an irreversible loss of natural resources or to prevent or reduce any continuing danger to natural resources or similar need for emergency action, funds may not be used under this Act for the restoration, rehabilitation, or replacement or acquisition of the equivalent of any natural resources until a plan for the use of such funds for such purposes has been developed and adopted by affected Federal agencies and the Governor or Governors of any State having sustained damage to natural resources within its borders, belonging to, managed by or appertaining to such State, after adequate public notice and opportunity for hearing and consideration of all public comment.

(j) The President shall use the money in the Post-closure Liability Fund for any of the purposes specified in subsection (a) of this section with respect to a hazardous waste disposal facility for which liability has transferred to such fund under section 107(k) of this Act, and, in addition, for payment of any claim or appropriate request for costs of response, damages, or other compensation for injury or loss under section 107 of this Act or any other State or Federal law, resulting from a release of a hazardous substance from such a facility.

(k) The Inspector General of each department or agency to which responsibility to obligate money in the Fund is delegated shall provide an audit review team to audit all payments, obligations, reimbursements, or other uses of the Fund, to assure that the Fund is being properly administered and that claims are being appropriately and expeditiously considered. Each such Inspector General shall submit to the Congress an interim report one year after the establishment of the Fund and a final report two years after the establishment of the Fund. Each such Inspector General shall thereafter provide such auditing of the Fund as is appropriate. Each Federal agency shall cooperate with the Inspector General in carrying out this subsection.

Report to Congress.

(l) To the extent that the provisions of this Act permit, a foreign claimant may assert a claim to the same extent that a United States claimant may assert a claim if—

(1) the release of a hazardous substance occurred (A) in the navigable waters or (B) in or on the territorial sea or adjacent shoreline of a foreign country of which the claimant is a resident;

(2) the claimant is not otherwise compensated for his loss;

(3) the hazardous substance was released from a facility or from a vessel located adjacent to or within the navigable waters or was discharged in connection with activities conducted under the Outer Continental Shelf Lands Act, as amended (43 U.S.C. 1331 et seq.) or the Deepwater Port Act of 1974, as amended (33 U.S.C. 1501 et seq.); and

(4) recovery is authorized by a treaty or an executive agreement between the United States and foreign country involved, or if the Secretary of State, in consultation with the Attorney General and other appropriate officials, certifies that such country provides a comparable remedy for United States claimants.

CLAIMS PROCEDURE

42 USC 9612.

SEC. 112. (a) All claims which may be asserted against the Fund pursuant to section 111 of this title shall be presented in the first instance to the owner, operator, or guarantor of the vessel or facility from which a hazardous substance has been released, if known to the claimant, and to any other person known to the claimant who may be liable under section 107 of this title. In any case where the claim has not been satisfied within sixty days of presentation in accordance with this subsection, the claimant may elect to commence an action in court against such owner, operator, guarantor, or other person or to present the claim to the Fund for payment.

(b)(1) The President shall prescribe appropriate forms and procedures for claims filed hereunder, which shall include a provision requiring the claimant to make a sworn verification of the claim to the best of his knowledge. Any person who knowingly gives or causes to be given any false information as a part of any such claim shall, upon conviction, be fined up to $5,000 or imprisoned for not more than one year, or both.

(2)(A) Upon receipt of any claim, the President shall as soon as practicable inform any known affected parties of the claim and shall attempt to promote and arrange a settlement between the claimant and any person who may be liable. If the claimant and alleged liable party or parties can agree upon a settlement, it shall be final and binding upon the parties thereto, who will be deemed to have waived all recourse against the Fund.

(B) Where a liable party is unknown or cannot be determined, the claimant and the President shall attempt to arrange settlement of any claim against the Fund. The President is authorized to award and make payment of such a settlement, subject to such proof and procedures as he may promulgate by regulation.

(C) Except as provided in subparagraph (D) of this paragraph, the President shall use the facilities and services of private insurance and claims adjusting organizations or State agencies in implementing this subsection and may contract to pay compensation for those facilities and services. Any contract made under the provisions of this paragraph may be made without regard to the provisions of section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), upon a showing by the President that advertising is not reasonably practicable. When the services of a State agency are used hereunder, no payment may be made on a claim asserted on behalf of that State or any of its agencies or subdivisions unless the payment has been approved by the President.

(D) To the extent necessitated by extraordinary circumstances, where the services of such private organizations or State agencies are inadequate, the President may use Federal personnel to implement this subsection.

(3) If no settlement is reached within forty-five days of filing of a claim through negotiation pursuant to this section, the President may, if he is satisfied that the information developed during the processing of the claim warrants it, make and pay an award of the claim. If the claimant is dissatisfied with the award, he may appeal it in the manner provided for in subparagraph (G) of paragraph (4) of this subsection. If the President declines to make an award, he shall submit the claim for decision to a member of the Board of Arbitrators established pursuant to paragraph (4).

(4)(A) Within ninety days of the enactment of this Act, the President shall establish a Board of Arbitrators to implement this subsection. The Board shall consist of as many members as the President may determine will be necessary to implement this subsection expeditiously, and he may increase or decrease the size of the Board at any time in his discretion in order to enable it to respond to the demands of such implementation. Each member of the Board shall be selected through utilization of the procedures of the American Arbitration Association: *Provided, however,* That no regular employee of the President or any of the Federal departments, administrations, or agencies to whom he delegated responsibilities under this Act shall act as a member of the Board.

(B) Hearings conducted hereunder shall be public and shall be held in such place as may be agreed upon by the parties thereto, or, in the absence of such agreement, in such place as the President determines, in his discretion, will be most convenient for the parties thereto.

(C) Hearings before a member of the Board shall be informal, and the rules of evidence prevailing in judicial proceedings need not be required. Each member of the Board shall have the power to administer oaths and to subpena the attendance and testimony of witnesses and the production of books, records, and other evidence relative or pertinent to the issues presented to him for decision. Testimony may be taken by interrogatory or deposition. Each person appearing before a member of the Board shall have the right to counsel. Subpenas shall be issued and enforced in accordance with procedures in subsection (d) of section 555 of title 5, United States Code, and rules promulgated by the President. If a person fails or refuses to obey a subpena, the President may invoke the aid of the district court of the United States where the person is found, resides, or transacts business in requiring the attendance and testimony of the person and the production by him of books, papers, documents, or any tangible things.

(D) In any proceeding before a member of the Board, the claimant shall bear the burden of proving his claim. Should a member of the Board determine that further investigations, monitoring, surveys, testing, or other information gathering would be useful and necessary in deciding the claim, he may request the President in writing to undertake such activities pursuant to section 104(b) of this title. The President shall dispose of such a request in his sole discretion, taking into account various competing demands and the availability of the technical and financial capacity to conduct such studies, monitoring, and investigations. Should the President decide to undertake the requested actions, all time requirements for the processing and deciding of claims hereunder shall be suspended until the President reports the results thereof to the member of the Board.

(E) All costs and expenses approved by the President attributable to the employment of any member of the Board shall be payable from the Fund, including fees and mileage expenses for witnesses summoned by such members on the same basis and to the same extent as if such witnesses were summoned before a district court of the United States.

(F) All decisions rendered by members of the Board shall be in writing, with notification to all appropriate parties, and shall be rendered within ninety days of submission of a claim to a member, unless all the parties to the claim agree in writing to an extension or unless the President extends the time limit pursuant to subparagraph (I) of this subsection.

(G) All decisions rendered by members of the Board shall be final, and any party to the proceeding may appeal such a decision within thirty days of notification of the award or decision. Any such appeal shall be made to the Federal district court for the district where the arbitral hearing took place. In any such appeal, the award or decision of the member of the Board shall be considered binding and conclusive, and shall not be overturned except for arbitrary or capricious abuse of the member's discretion: *Provided, however,* That no such award or decision shall be admissible as evidence of any issue of fact or law in any proceeding brought under any other provision of this Act or under any other provision of law. Nor shall any prearbitral settlement reached pursuant to subsection (b)(2)(A) of this section be admissible as evidence in any such proceeding.

(H) Within twenty days of the expiration of the appeal period for any arbitral award or decision, or within twenty days of the final judicial determination of any appeal taken pursuant to this subsection, the President shall pay any such award from the Fund. The President shall determine the method, terms, and time of payment.

(I) If at any time the President determines that, because of a large number of claims arising from any incident or set of incidents, it is in the best interests of the parties concerned, he may extend the time for prearbitral negotiation or for rendering an arbitral decision pursuant to this subsection by a period not to exceed sixty days. He may also group such claims for submission to a member of the Board of Arbitrators.

(c)(1) Payment of any claim by the Fund under this section shall be subject to the United States Government acquiring by subrogation the rights of the claimant to recover those costs of removal or damages for which it has compensated the claimant from the person responsible or liable for such release.

(2) Any person, including the Fund, who pays compensation pursuant to this Act to any claimant for damages or costs resulting from a release of a hazardous substance shall be subrogated to all rights, claims, and causes of action for such damages and costs of removal that the claimant has under this Act or any other law.

(3) Upon request of the President, the Attorney General shall commence an action on behalf of the Fund to recover any compensation paid by the Fund to any claimant pursuant to this title, and, without regard to any limitation of liability, all interest, administrative and adjudicative costs, and attorney's fees incurred by the Fund by reason of the claim. Such an action may be commenced against any owner, operator, or guarantor, or against any other person who is

liable, pursuant to any law, to the compensated claimant or to the Fund, for the damages or costs for which compensation was paid.

(d) No claim may be presented, nor may an action be commenced for damages under this title, unless that claim is presented or action commenced within three years from the date of the discovery of the loss or the date of enactment of this Act, whichever is later: *Provided, however,* That the time limitations contained herein shall not begin to run against a minor until he reaches eighteen years of age or a legal representative is duly appointed for him, nor against an incompetent person until his incompetency ends or a legal representative is duly appointed for him.

(e) Regardless of any State statutory or common law to the contrary, no person who asserts a claim against the Fund pursuant to this title shall be deemed or held to have waived any other claim not covered or assertable against the Fund under this title arising from the same incident, transaction, or set of circumstances, nor to have split a cause of action. Further, no person asserting a claim against the Fund pursuant to this title shall as a result of any determination of a question of fact or law made in connection with that claim be deemed or held to be collaterally estopped from raising such question in connection with any other claim not covered or assertable against the Fund under this title arising from the same incident, transaction, or set of circumstances.

LITIGATION, JURISDICTION AND VENUE

SEC. 113. (a) Review of any regulation promulgated under this Act may be had upon application by any interested person only in the Circuit Court of Appeals of the United States for the District of Columbia. Any such application shall be made within ninety days from the date of promulgation of such regulations. Any matter with respect to which review could have been obtained under this subsection shall not be subject to judicial review in any civil or criminal proceeding for enforcement or to obtain damages or recovery of response costs. 42 USC 9613.

(b) Except as provided in subsection (a) of this section, the United States district courts shall have exclusive original jurisdiction over all controversies arising under this Act, without regard to the citizenship of the parties or the amount in controversy. Venue shall lie in any district in which the release or damages occurred, or in which the defendant resides, may be found, or has his principal office. For the purposes of this section, the Fund shall reside in the District of Columbia.

(c) The provisions of subsections (a) and (b) of this section shall not apply to any controversy or other matter resulting from the assessment of collection of any tax, as provided by title II of this Act, or to the review of any regulation promulgated under the Internal Revenue Code of 1954. 26 USC 1 *et seq.*

(d) No provision of this Act shall be deemed or held to moot any litigation concerning any release of any hazardous substance, or any damages associated therewith, commenced prior to enactment of this Act.

RELATIONSHIP TO OTHER LAW

SEC. 114. (a) Nothing in this Act shall be construed or interpreted as preempting any State from imposing any additional liability or 42 USC 9614.

requirements with respect to the release of hazardous substances within such State.

(b) Any person who receives compensation for removal costs or damages or claims pursuant to this Act shall be precluded from recovering compensation for the same removal costs or damages or claims pursuant to any other State or Federal law. Any person who receives compensation for removal costs or damages or claims pursuant to any other Federal or State law shall be precluded from receiving compensation for the same removal costs or damages or claims as provided in this Act.

(c) Except as provided in this Act, no person may be required to contribute to any fund, the purpose of which is to pay compensation for claims for any costs of response or damages or claims which may be compensated under this title. Nothing in this section shall preclude any State from using general revenues for such a fund, or from imposing a tax or fee upon any person or upon any substance in order to finance the purchase or prepositioning of hazardous substance response equipment or other preparations for the response to a release of hazardous substances which affects such State.

(d) Except as provided in this title, no owner or operator of a vessel or facility who establishes and maintains evidence of financial responsibility in accordance with this title shall be required under any State or local law, rule, or regulation to establish or maintain any other evidence of financial responsibility in connection with liability for the release of a hazardous substance from such vessel or facility. Evidence of compliance with the financial responsibility requirements of this title shall be accepted by a State in lieu of any other requirement of financial responsibility imposed by such State in connection with liability for the release of a hazardous substance from such vessel or facility.

AUTHORITY TO DELEGATE, ISSUE REGULATIONS

42 USC 9615.

SEC. 115. The President is authorized to delegate and assign any duties or powers imposed upon or assigned to him and to promulgate any regulations necessary to carry out the provisions of this title.

Hazardous Substance Response Revenue Act of 1980.

TITLE II—HAZARDOUS SUBSTANCE RESPONSE REVENUE ACT OF 1980

26 USC 1 note.

SEC. 201. SHORT TITLE; AMENDMENT OF 1954 CODE.

(a) SHORT TITLE.—This title may be cited as the "Hazardous Substance Response Revenue Act of 1980".

26 USC 1 *et seq.*

(b) AMENDMENT OF 1954 CODE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

Subtitle A—Imposition of Taxes on Petroleum and Certain Chemicals

SEC. 211. IMPOSITION OF TAXES.

(a) GENERAL RULE.—Subtitle D (relating to miscellaneous excise taxes) is amended by inserting after chapter 37 the following new chapter:

"CHAPTER 38—ENVIRONMENTAL TAXES

"SUBCHAPTER A. Tax on petroleum.
"SUBCHAPTER B. Tax on certain chemicals.

"Subchapter A—Tax on Petroleum

"Sec. 4611. Imposition of tax.
"Sec. 4612. Definitions and special rules.

"SEC. 4611. IMPOSITION OF TAX.

26 USC 4611.

"(a) GENERAL RULE.—There is hereby imposed a tax of 0.79 cent a barrel on—

"(1) crude oil received at a United States refinery, and

"(2) petroleum products entered into the United States for consumption, use, or warehousing.

"(b) TAX ON CERTAIN USES AND EXPORTATION.—

"(1) IN GENERAL.—If—

"(A) any domestic crude oil is used in or exported from the United States, and

"(B) before such use or exportation, no tax was imposed on such crude oil under subsection (a),

then a tax of 0.79 cent a barrel is hereby imposed on such crude oil.

"(2) EXCEPTION FOR USE ON PREMISES WHERE PRODUCED.—Paragraph (1) shall not apply to any use of crude oil for extracting oil or natural gas on the premises where such crude oil was produced.

"(c) PERSONS LIABLE FOR TAX.—

"(1) CRUDE OIL RECEIVED AT REFINERY.—The tax imposed by subsection (a)(1) shall be paid by the operator of the United States refinery.

"(2) IMPORTED PETROLEUM PRODUCT.—The tax imposed by subsection (a)(2) shall be paid by the person entering the product for consumption, use, or warehousing.

"(3) TAX ON CERTAIN USES OR EXPORTS.—The tax imposed by subsection (b) shall be paid by the person using or exporting the crude oil, as the case may be.

"(d) TERMINATION.—The taxes imposed by this section shall not apply after September 30, 1985, except that if on September 30, 1983, or September 30, 1984—

"(1) the unobligated balance in the Hazardous Substance Response Trust Fund as of such date exceeds $900,000,000, and

"(2) the Secretary, after consultation with the Administrator of the Environmental Protection Agency, determines that such unobligated balance will exceed $500,000,000 on September 30 of the following year if no tax is imposed under section 4611 or 4661 during the calendar year following the date referred to above,

Post, p. 2798.

then no tax shall be imposed by this section during the first calendar year beginning after the date referred to in paragraph (1).

26 USC 4612.

"SEC. 4612. DEFINITIONS AND SPECIAL RULES.

"(a) DEFINITIONS.—For purposes of this subchapter—

"(1) CRUDE OIL.—The term 'crude oil' includes crude oil condensates and natural gasoline.

"(2) DOMESTIC CRUDE OIL.—The term 'domestic crude oil' means any crude oil produced from a well located in the United States.

"(3) PETROLEUM PRODUCT.—The term 'petroleum product' includes crude oil.

"(4) UNITED STATES.—

"(A) IN GENERAL.—The term 'United States' means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, any possession of the United States, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

"(B) UNITED STATES INCLUDES CONTINENTAL SHELF AREAS.—The principles of section 638 shall apply for purposes of the term 'United States'. 26 USC 638.

"(C) UNITED STATES INCLUDES FOREIGN TRADE ZONES.—The term 'United States' includes any foreign trade zone of the United States.

"(5) UNITED STATES REFINERY.—The term 'United States refinery' means any facility in the United States at which crude oil is refined.

"(6) REFINERIES WHICH PRODUCE NATURAL GASOLINE.—In the case of any United States refinery which produces natural gasoline from natural gas, the gasoline so produced shall be treated as received at such refinery at the time so produced.

"(7) PREMISES.—The term 'premises' has the same meaning as when used for purposes of determining gross income from the property under section 613.

"(8) BARREL.—The term 'barrel' means 42 United States gallons.

"(9) FRACTIONAL PART OF BARREL.—In the case of a fraction of a barrel, the tax imposed by section 4611 shall be the same fraction of the amount of such tax imposed on a whole barrel.

"(b) ONLY 1 TAX IMPOSED WITH RESPECT TO ANY PRODUCT.—No tax shall be imposed by section 4611 with respect to any petroleum product if the person who would be liable for such tax establishes that a prior tax imposed by such section has been imposed with respect to such product. *Ante*, p. 2797.

"(c) DISPOSITION OF REVENUES FROM PUERTO RICO AND THE VIRGIN ISLANDS.—The provisions of subsections (a)(3) and (b)(3) of section 7652 shall not apply to any tax imposed by section 4611.

"Subchapter B—Tax on Certain Chemicals

"Sec. 4661. Imposition of tax.
"Sec. 4662. Definitions and special rules.

26 USC 4661.

"SEC. 4661. IMPOSITION OF TAX.

"(a) GENERAL RULE.—There is hereby imposed a tax on any taxable chemical sold by the manufacturer, producer, or importer thereof.

"(b) AMOUNT OF TAX.—The amount of the tax imposed by subsection (a) shall be determined in accordance with the following table:

"In the case of:	The tax is the following amount per ton
Acetylene	$4.87
Benzene	4.87
Butane	4.87
Butylene	4.87
Butadiene	4.87
Ethylene	4.87
Methane	3.44
Naphthalene	4.87
Propylene	4.87
Toluene	4.87
Xylene	4.87
Ammonia	2.64
Antimony	4.45
Antimony trioxide	3.75
Arsenic	4.45
Arsenic trioxide	3.41
Barium sulfide	2.30
Bromine	4.45
Cadmium	4.45
Chlorine	2.70
Chromium	4.45
Chromite	1.52
Potassium dichromate	1.69
Sodium dichromate	1.87
Cobalt	4.45
Cupric sulfate	1.87
Cupric oxide	3.59
Cuprous oxide	3.97
Hydrochloric acid	0.29
Hydrogen fluoride	4.23
Lead oxide	4.14
Mercury	4.45
Nickel	4.45
Phosphorus	4.45
Stannous chloride	2.85
Stannic chloride	2.12
Zinc chloride	2.22
Zinc sulfate	1.90
Potassium hydroxide	0.22
Sodium hydroxide	0.28
Sulfuric acid	0.26
Nitric acid	0.24

"(c) Termination.—No tax shall be imposed under this section during any period during which no tax is imposed under section 4611(a). *Ante*, p. 2797.

"SEC. 4662. DEFINITIONS AND SPECIAL RULES.

26 USC 4662.

"(a) Definitions.—For purposes of this subchapter—

"(1) Taxable chemical.—Except as provided in subsection (b), the term 'taxable chemical' means any substance—

"(A) which is listed in the table under section 4661(b), and *Ante*, p. 2798.

"(B) which is manufactured or produced in the United States or entered into the United States for consumption, use, or warehousing.

"(2) United states.—The term 'United States' has the meaning given such term by section 4612(a)(4). *Ante*, p. 2798.

"(3) Importer.—The term 'importer' means the person entering the taxable chemical for consumption, use, or warehousing.

"(4) Ton.—The term 'ton' means 2,000 pounds. In the case of any taxable chemical which is a gas, the term 'ton' means the amount of such gas in cubic feet which is the equivalent of 2,000 pounds on a molecular weight basis.

"(5) FRACTIONAL PART OF TON.—In the case of a fraction of a ton, the tax imposed by section 4661 shall be the same fraction of the amount of such tax imposed on a whole ton.

Ante, p. 2798.

"(b) EXCEPTIONS; OTHER SPECIAL RULES.—For purposes of this subchapter—

"(1) METHANE OR BUTANE USED AS A FUEL.—Under regulations prescribed by the Secretary, methane or butane shall be treated as a taxable chemical only if it is used otherwise than as a fuel (and, for purposes of section 4661(a), the person so using it shall be treated as the manufacturer thereof).

"(2) SUBSTANCES USED IN THE PRODUCTION OF FERTILIZER.—

"(A) IN GENERAL.—In the case of nitric acid, sulfuric acid, ammonia, or methane used to produce ammonia which is a qualified substance, no tax shall be imposed under section 4661(a).

"(B) QUALIFIED SUBSTANCE.—For purposes of this section, the term 'qualified substance' means any substance—

"(i) used in a qualified use by the manufacturer, producer, or importer,

"(ii) sold for use by the purchaser in a qualified use, or

"(iii) sold for resale by the purchaser to a second purchaser for use by such second purchaser in a qualified use.

"(C) QUALIFIED USE.—For purposes of this subsection, the term 'qualified use' means any use in the manufacture or production of a fertilizer.

"(3) SULFURIC ACID PRODUCED AS A BYPRODUCT OF AIR POLLUTION CONTROL.—In the case of sulfuric acid produced solely as a byproduct of and on the same site as air pollution control equipment, no tax shall be imposed under section 4661.

"(4) SUBSTANCES DERIVED FROM COAL.—For purposes of this subchapter, the term 'taxable chemical' shall not include any substance to the extent derived from coal.

"(c) USE BY MANUFACTURER, ETC., CONSIDERED SALE.—If any person manufactures, produces, or imports a taxable chemical and uses such chemical, then such person shall be liable for tax under section 4661 in the same manner as if such chemical were sold by such person.

"(d) REFUND OR CREDIT FOR CERTAIN USES.—

"(1) IN GENERAL.—Under regulations prescribed by the Secretary, if—

"(A) a tax under section 4661 was paid with respect to any taxable chemical, and

"(B) such chemical was used by any person in the manufacture or production of any other substance the sale of which by such person would be taxable under such section,

then an amount equal to the tax so paid shall be allowed as a credit or refund (without interest) to such person in the same manner as if it were an overpayment of tax imposed by such section. In any case to which this paragraph applies, the amount of any such credit or refund shall not exceed the amount of tax imposed by such section on the other substance manufactured or produced.

"(2) USE AS FERTILIZER.—Under regulations prescribed by the Secretary, if—

"(A) a tax under section 4661 was paid with respect to nitric acid, sulfuric acid, ammonia, or methane used to make ammonia without regard to subsection (b)(2), and

"(B) any person uses such substance, or sells such substance for use, as a qualified substance,

then an amount equal to the excess of the tax so paid over the tax determined with regard to subsection (b)(2) shall be allowed as a credit or refund (without interest) to such person in the same manner as if it were an overpayment of tax imposed by this section.

"(e) DISPOSITION OF REVENUES FROM PUERTO RICO AND THE VIRGIN ISLANDS.—The provisions of subsections (a)(3) and (b)(3) of section 7652 shall not apply to any tax imposed by section 4661.". 26 USC 7652. *Ante*, p. 2798.

(b) CLERICAL AMENDMENT.—The table of chapters for subtitle D is amended by inserting after the item relating to chapter 37 the following new item:

"CHAPTER 38. Environmental taxes.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on April 1, 1981. 26 USC 4611 note.

Subtitle B—Establishment of Hazardous Substance Response Trust Fund

SEC. 221. ESTABLISHMENT OF HAZARDOUS SUBSTANCE RESPONSE TRUST FUND.

42 USC 9631.

(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the "Hazardous Substance Response Trust Fund" (hereinafter in this subtitle referred to as the "Response Trust Fund"), consisting of such amounts as may be appropriated or transferred to such Trust Fund as provided in this section.

(b) TRANSFERS TO RESPONSE TRUST FUND.—

(1) AMOUNTS EQUIVALENT TO CERTAIN TAXES, ETC.—There are hereby appropriated, out of any money in the Treasury not otherwise appropriated, to the Response Trust Fund amounts determined by the Secretary of the Treasury (hereinafter in this subtitle referred to as the "Secretary") to be equivalent to—

(A) the amounts received in the Treasury under section 4611 or 4661 of the Internal Revenue Code of 1954, *Ante*, pp. 2797, 2798.

(B) the amounts recovered on behalf of the Response Trust Fund under this Act,

(C) all moneys recovered or collected under section 311(b)(6)(B) of the Clean Water Act, 33 USC 1321.

(D) penalties assessed under title I of this Act, and

(E) punitive damages under section 107(c)(8) of this Act.

(2) AUTHORIZATION FOR APPROPRIATIONS.—There is authorized to be appropriated to the Emergency Response Trust Fund for fiscal year—

(A) 1981, $44,000,000,

(B) 1982, $44,000,000,

(C) 1983, $44,000,000,

(D) 1984, $44,000,000, and

(E) 1985, $44,000,000, plus an amount equal to so much of the aggregate amount authorized to be appropriated under subparagraphs (A), (B), (C), and (D) as has not been appropriated before October 1, 1984.

(3) TRANSFER OF FUNDS.—There shall be transferred to the Response Trust Fund—

(A) one-half of the unobligated balance remaining before the date of the enactment of this Act under the Fund in section 311 of the Clean Water Act, and

33 USC 1321.

(B) the amounts appropriated under section 504(b) of the Clean Water Act during any fiscal year.

(c) Expenditures From Response Trust Fund.—

(1) In general.—Amounts in the Response Trust Fund shall be available in connection with releases or threats of releases of hazardous substances into the environment only for purposes of making expenditures which are described in section 111 (other than subsection (j) thereof) of this Act, as in effect on the date of the enactment of this Act, including—

(A) response costs,

(B) claims asserted and compensable but unsatisfied under section 311 of the Clean Water Act,

(C) claims for injury to, or destruction or loss of, natural resources, and

(D) related costs described in section 111(c) of this Act.

(2) Limitations on expenditures.—At least 85 percent of the amounts appropriated to the Response Trust Fund under subsection (b)(1)(A) and (2) shall be reserved—

(A) for the purposes specified in paragraphs (1), (2), and (4) of section 111(a) of this Act, and

(B) for the repayment of advances made under section 223(c), other than advances subject to the limitation of section 223(c)(2)(C).

42 USC 9632.

SEC. 222. LIABILITY OF UNITED STATES LIMITED TO AMOUNT IN TRUST FUND.

(a) General Rule.—Any claim filed against the Response Trust Fund may be paid only out of such Trust Fund. Nothing in this Act (or in any amendment made by this Act) shall authorize the payment by the United States Government of any additional amount with respect to any such claim out of any source other than the Response Trust Fund.

(b) Order in Which Unpaid Claims Are To Be Paid.—If at any time the Response Trust Fund is unable (by reason of subsection (a) or the limitation of section 221(c)(2)) to pay all of the claims payable out of such Trust Fund at such time, such claims shall, to the extent permitted under subsection (a), be paid in full in the order in which they were finally determined.

42 USC 9633.

SEC. 223. ADMINISTRATIVE PROVISIONS.

(a) Method of Transfer.—The amounts appropriated by section 221(b)(1) shall be transferred at least monthly from the general fund of the Treasury to the Response Trust Fund on the basis of estimates made by the Secretary of the amounts referred to in such section. Proper adjustments shall be made in the amount subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(b) Management of Trust Fund.—

(1) Report.—The Secretary shall be the trustee of the Response Trust Fund, and shall report to the Congress for each fiscal year ending on or after September 30, 1981, on the financial condition and the results of the operations of such Trust Fund during such fiscal year and on its expected condition and operations during the next 5 fiscal years. Such report shall be printed as a House

document of the session of the Congress to which the report is made.

(2) INVESTMENT.—It shall be the duty of the Secretary to invest such portion of such Trust Fund as is not, in his judgment, required to meet current withdrawals. Such investments shall be in public debt securities with maturities suitable for the needs of such Trust Fund and bearing interest at rates determined by the Secretary, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities. The income on such investments shall be credited to and form a part of such Trust Fund.

(c) AUTHORITY TO BORROW.—

(1) IN GENERAL.—There are authorized to be appropriated to the Response Trust Fund, as repayable advances, such sums as may be necessary to carry out the purposes of such Trust Fund.

Appropriation authorization.

(2) LIMITATIONS ON ADVANCES TO RESPONSE TRUST FUND.—

(A) AGGREGATE ADVANCES.—The maximum aggregate amount of repayable advances to the Response Trust Fund which is outstanding at any one time shall not exceed an amount which the Secretary estimates will be equal to the sum of the amounts which will be appropriated or transferred to such Trust Fund under paragraph (1)(A) of section 221(b) of this Act for the following 12 months, and

(B) ADVANCES FOR PAYMENT OF RESPONSE COSTS.—No amount may be advanced after March 31, 1983, to the Response Trust Fund for the purpose of paying response costs described in section 111(a) (1), (2), or (4), unless such costs are incurred incident to any spill the effects of which the Secretary determines to be catastrophic.

(C) ADVANCES FOR OTHER COSTS.—The maximum aggregate amount advanced to the Response Trust Fund which is outstanding at any one time for the purpose of paying costs other than costs described in section 111(a) (1), (2), or (4) shall not exceed one-third of the amount of the estimate made under subparagraph (A).

(D) FINAL REPAYMENT.—No advance shall be made to the Response Trust Fund after September 30, 1985, and all advances to such Fund shall be repaid on or before such date.

(3) REPAYMENT OF ADVANCES.—Advances made pursuant to this subsection shall be repaid, and interest on such advances shall be paid, to the general fund of the Treasury when the Secretary determines that moneys are available for such purposes in the Trust Fund to which the advance was made. Such interest shall be at rates computed in the same manner as provided in subsection (b) and shall be compounded annually.

Subtitle C—Post-Closure Tax and Trust Fund

SEC. 231. IMPOSITION OF TAX.

(a) IN GENERAL.—Chapter 38, as added by section 211, is amended by adding at the end thereof the following new subchapter:

"Subchapter C—Tax on Hazardous Wastes

"Sec. 4681. Imposition of tax.
"Sec. 4682. Definitions and special rules.

26 USC 4681.

"SEC. 4681. IMPOSITION OF TAX.

"(a) GENERAL RULE.—There is hereby imposed a tax on the receipt of hazardous waste at a qualified hazardous waste disposal facility.

"(b) AMOUNT OF TAX.—The amount of the tax imposed by subsection (a) shall be equal to $2.13 per dry weight ton of hazardous waste.

26 USC 4682.

"SEC. 4682. DEFINITIONS AND SPECIAL RULES.

"(a) DEFINITIONS.—For purposes of this subchapter—

"(1) HAZARDOUS WASTE.—The term 'hazardous waste' means any waste—

"(A) having the characteristics identified under section 3001 of the Solid Waste Disposal Act, as in effect on the date of the enactment of this Act (other than waste the regulation of which under such Act has been suspended by Act of Congress on that date), or

42 USC 6921.

"(B) subject to the reporting or recordkeeping requirements of sections 3002 and 3004 of such Act, as so in effect.

42 USC 6922, 6924.

"(2) QUALIFIED HAZARDOUS WASTE DISPOSAL FACILITY.—The term 'qualified hazardous waste disposal facility' means any facility which has received a permit or is accorded interim status under section 3005 of the Solid Waste Disposal Act.

42 USC 6925.

"(b) TAX IMPOSED ON OWNER OR OPERATOR.—The tax imposed by section 4681 shall be imposed on the owner or operator of the qualified hazardous waste disposal facility.

"(c) TAX NOT TO APPLY TO CERTAIN WASTES.—The tax imposed by section 4681 shall not apply to any hazardous waste which will not remain at the qualified hazardous waste disposal facility after the facility is closed.

"(d) APPLICABILITY OF SECTION.—The tax imposed by section 4681 shall apply to the receipt of hazardous waste after September 30, 1983, except that if, as of September 30 of any subsequent calendar year, the unobligated balance of the Post-closure Liability Trust Fund exceeds $200,000,000, no tax shall be imposed under such section during the following calendar year.".

(b) CONFORMING AMENDMENT.—The table of subchapters for chapter 38 is amended by adding at the end thereof the following new item:

"SUBCHAPTER C—Tax on Hazardous Wastes.".

42 USC 9641.

SEC. 232. POST-CLOSURE LIABILITY TRUST FUND.

(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the "Post-closure Liability Trust Fund", consisting of such amounts as may be appropriated, credited, or transferred to such Trust Fund.

(b) EXPENDITURES FROM POST-CLOSURE LIABILITY TRUST FUND.—Amounts in the Post-closure Liability Trust Fund shall be available only for the purposes described in sections 107(k) and 111(j) of this Act (as in effect on the date of the enactment of this Act).

(c) ADMINISTRATIVE PROVISIONS.—The provisions of sections 222 and 223 of this Act shall apply with respect to the Trust Fund established under this section, except that the amount of any repayable advances outstanding at any one time shall not exceed $200,000,000.

TITLE III—MISCELLANEOUS PROVISIONS

REPORTS AND STUDIES

SEC. 301. (a)(1) The President shall submit to the Congress, within four years after enactment of this Act, a comprehensive report on experience with the implementation of this Act, including, but not limited to— 42 USC 9651.

(A) the extent to which the Act and Fund are effective in enabling Government to respond to and mitigate the effects of releases of hazardous substances;

(B) a summary of past receipts and disbursements from the Fund;

(C) a projection of any future funding needs remaining after the expiration of authority to collect taxes, and of the threat to public health, welfare, and the environment posed by the projected releases which create any such needs;

(D) the record and experience of the Fund in recovering Fund disbursements from liable parties;

(E) the record of State participation in the system of response, liability, and compensation established by this Act;

(F) the impact of the taxes imposed by title II of this Act on the Nation's balance of trade with other countries;

(G) an assessment of the feasibility and desirability of a schedule of taxes which would take into account one or more of the following: the likelihood of a release of a hazardous substance, the degree of hazard and risk of harm to public health, welfare, and the environment resulting from any such release, incentives to proper handling, recycling, incineration, and neutralization of hazardous wastes, and disincentives to improper or illegal handling or disposal of hazardous materials, administrative and reporting burdens on Government and industry, and the extent to which the tax burden falls on the substances and parties which create the problems addressed by this Act. In preparing the report, the President shall consult with appropriate Federal, State, and local agencies, affected industries and claimants, and such other interested parties as he may find useful. Based upon the analyses and consultation required by this subsection, the President shall also include in the report any recommendations for legislative changes he may deem necessary for the better effectuation of the purposes of this Act, including but not limited to recommendations concerning authorization levels, taxes, State participation, liability and liability limits, and financial responsibility provisions for the Response Trust Fund and the Post-closure Liability Trust Fund;

(H) an exemption from or an increase in the substances or the amount of taxes imposed by section 4661 of the Internal Revenue Code of 1954 for copper, lead, and zinc oxide, and for feedstocks when used in the manufacture and production of fertilizers, based upon the expenditure experience of the Response Trust Fund; *Ante*, p. 2798.

(I) the economic impact of taxing coal-derived substances and recycled metals.

(2) The Administrator of the Environmental Protection Agency (in consultation with the Secretary of the Treasury) shall submit to the Congress (i) within four years after enactment of this Act, a report identifying additional wastes designated by rule as hazardous after the effective date of this Act and pursuant to section 3001 of the Solid

42 USC 6921.

Waste Disposal Act and recommendations on appropriate tax rates for such wastes for the Post-closure Liability Trust Fund. The report shall, in addition, recommend a tax rate, considering the quantity and potential danger to human health and the environment posed by the disposal of any wastes which the Administrator, pursuant to subsection 3001(b)(2)(B) and subsection 3001(b)(3)(A) of the Solid Waste Disposal Act of 1980, has determined should be subject to regulation under subtitle C of such Act, (ii) within three years after enactment of this Act, a report on the necessity for and the adequacy of the revenue raised, in relation to estimated future requirements, of the Post-closure Liability Trust Fund.

Ante, p. 2336.

(b) The President shall conduct a study to determine (1) whether adequate private insurance protection is available on reasonable terms and conditions to the owners and operators of vessels and facilities subject to liability under section 107 of this Act, and (2) whether the market for such insurance is sufficiently competitive to assure purchasers of features such as a reasonable range of deductibles, coinsurance provisions, and exclusions. The President shall submit the results of his study, together with his recommendations, within two years of the date of enactment of this Act, and shall submit an interim report on his study within one year of the date of enactment of this Act.

Ante, p. 2781.

Regulations.

Ante, p. 2779.

(c)(1) The President, acting through Federal officials designated by the National Contingency Plan published under section 105 of this Act, shall study and, not later than two years after the enactment of this Act, shall promulgate regulations for the assessment of damages for injury to, destruction of, or loss of natural resources resulting from a release of oil or a hazardous substance for the purposes of this Act and section 311(f) (4) and (5) of the Federal Water Pollution Control Act.

33 USC 1321.

(2) Such regulations shall specify (A) standard procedures for simplified assessments requiring minimal field observation, including establishing measures of damages based on units of discharge or release or units of affected area, and (B) alternative protocols for conducting assessments in individual cases to determine the type and extent of short- and long-term injury, destruction, or loss. Such regulations shall identify the best available procedures to determine such damages, including both direct and indirect injury, destruction, or loss and shall take into consideration factors including, but not limited to, replacement value, use value, and ability of the ecosystem or resource to recover.

Review and revision.

(3) Such regulations shall be reviewed and revised as appropriate every two years.

(d) The Administrator of the Environmental Protection Agency shall, in consultation with other Federal agencies and appropriate representatives of State and local governments and nongovernmental agencies, conduct a study and report to the Congress within two years of the date of enactment of this Act on the issues, alternatives, and policy considerations involved in the selection of locations for hazardous waste treatment, storage, and disposal facilities. This study shall include—

(A) an assessment of current and projected treatment, storage, and disposal capacity needs and shortfalls for hazardous waste by management category on a State-by-State basis;

(B) an evaluation of the appropriateness of a regional approach to siting and designing hazardous waste management facilities and the identification of hazardous waste management regions, interstate or intrastate, or both, with similar hazardous waste management needs;

(C) solicitation and analysis of proposals for the construction and operation of hazardous waste management facilities by nongovernmental entities, except that no proposal solicited under terms of this subsection shall be analyzed if it involves cost to the United States Government or fails to comply with the requirements of subtitle C of the Solid Waste Disposal Act and other applicable provisions of law; 42 USC 6921.

(D) recommendations on the appropriate balance between public and private sector involvement in the siting, design, and operation of new hazardous waste management facilities;

(E) documentation of the major reasons for public opposition to new hazardous waste management facilities; and

(F) an evaluation of the various options for overcoming obstacles to siting new facilities, including needed legislation for implementing the most suitable option or options.

(e)(1) In order to determine the adequacy of existing common law and statutory remedies in providing legal redress for harm to man and the environment caused by the release of hazardous substances into the environment, there shall be submitted to the Congress a study within twelve months of enactment of this Act.

(2) This study shall be conducted with the assistance of the American Bar Association, the American Law Institute, the Association of American Trial Lawyers, and the National Association of State Attorneys General with the President of each entity selecting three members from each organization to conduct the study. The study chairman and one reporter shall be elected from among the twelve members of the study group.

(3) As part of their review of the adequacy of existing common law and statutory remedies, the study group shall evaluate the following:

(A) the nature, adequacy, and availability of existing remedies under present law in compensating for harm to man from the release of hazardous substances;

(B) the nature of barriers to recovery (particularly with respect to burdens of going forward and of proof and relevancy) and the role such barriers play in the legal system;

(C) the scope of the evidentiary burdens placed on the plaintiff in proving harm from the release of hazardous substances, particularly in light of the scientific uncertainty over causation with respect to—

(i) carcinogens, mutagens, and teratogens, and

(ii) the human health effects of exposure to low doses of hazardous substances over long periods of time;

(D) the nature and adequacy of existing remedies under present law in providing compensation for damages to natural resources from the release of hazardous substances;

(E) the scope of liability under existing law and the consequences, particularly with respect to obtaining insurance, of any changes in such liability;

(F) barriers to recovery posed by existing statutes of limitations.

(4) The report shall be submitted to the Congress with appropriate recommendations. Such recommendations shall explicitly address—

(A) the need for revisions in existing statutory or common law, and

(B) whether such revisions should take the form of Federal statutes or the development of a model code which is recommended for adoption by the States.

(5) The Fund shall pay administrative expenses incurred for the study. No expenses shall be available to pay compensation, except expenses on a per diem basis for the one reporter, but in no case shall the total expenses of the study exceed $300,000.

(f) The President, acting through the Administrator of the Environmental Protection Agency, the Secretary of Transportation, the Administrator of the Occupational Safety and Health Administration, and the Director of the National Institute for Occupational Safety and Health shall study and, not later than two years after the enactment of this Act, shall modify the national contingency plan to provide for the protection of the health and safety of employees involved in response actions.

EFFECTIVE DATES, SAVINGS PROVISION

42 USC 9652.

SEC. 302. (a) Unless otherwise provided, all provisions of this Act shall be effective on the date of enactment of this Act.

33 USC 1321.

(b) Any regulation issued pursuant to any provisions of section 311 of the Clean Water Act which is repealed or superseded by this Act and which is in effect on the date immediately preceding the effective date of this Act shall be deemed to be a regulation issued pursuant to the authority of this Act and shall remain in full force and effect unless or until superseded by new regulations issued thereunder.

(c) Any regulation—

(1) respecting financial responsibility,

(2) issued pursuant to any provision of law repealed or superseded by this Act, and

(3) in effect on the date immediately preceding the effective date of this Act shall be deemed to be a regulation issued pursuant to the authority of this Act and shall remain in full force and effect unless or until superseded by new regulations issued thereunder.

(d) Nothing in this Act shall affect or modify in any way the obligations or liabilities of any person under other Federal or State law, including common law, with respect to releases of hazardous substances or other pollutants or contaminants. The provisions of this Act shall not be considered, interpreted, or construed in any way as reflecting a determination, in part or whole, of policy regarding the inapplicability of strict liability, or strict liability doctrines, to activities relating to hazardous substances, pollutants, or contaminants or other such activities.

EXPIRATION, SUNSET PROVISION

42 USC 9653.

SEC. 303. Unless reauthorized by the Congress, the authority to collect taxes conferred by this Act shall terminate on September 30, 1985, or when the sum of the amounts received in the Treasury under section 4611 and under 4661 of the Internal Revenue Code of 1954 total $1,380,000,000, whichever occurs first. The Secretary of the Treasury shall estimate when this level of $1,380,000,000 will be reached and shall by regulation, provide procedures for the termination of the tax authorized by this Act and imposed under sections 4611 and 4661 of the Internal Revenue Code of 1954.

Ante, pp. 2797, 2798.

CONFORMING AMENDMENTS

SEC. 304. (a) Subsection (b) of section 504 of the Federal Water Pollution Control Act is hereby repealed. 33 USC 1364.

(b) One-half of the unobligated balance remaining before the date of the enactment of this Act under subsection (k) of section 311 of the Federal Water Pollution Control Act and all sums appropriated under section 504(b) of the Federal Water Pollution Control Act shall be transferred to the Fund established under title II of this Act. 42 USC 9654. 33 USC 1321.

(c) In any case in which any provision of section 311 of the Federal Water Pollution Control Act is determined to be in conflict with any provisions of this Act, the provisions of this Act shall apply.

LEGISLATIVE VETO

SEC. 305. (a) Notwithstanding any other provision of law, simultaneously with promulgation or repromulgation of any rule or regulation under authority of title I of this Act, the head of the department, agency, or instrumentality promulgating such rule or regulation shall transmit a copy thereof to the Secretary of the Senate and the Clerk of the House of Representatives. Except as provided in subsection (b) of this section, the rule or regulation shall not become effective, if— 42 USC 9655.

(1) within ninety calendar days of continuous session of Congress after the date of promulgation, both Houses of Congress adopt a concurrent resolution, the matter after the resolving clause of which is as follows: "That Congress disapproves the rule or regulation promulgated by the   dealing with the matter of   , which rule or regulation was transmitted to Congress on   .", the blank spaces therein being appropriately filled; or

(2) within sixty calendar days of continuous session of Congress after the date of promulgation, one House of Congress adopts such a concurrent resolution and transmits such resolution to the other House, and such resolution is not disapproved by such other House within thirty calendar days of continuous session of Congress after such transmittal.

(b) If, at the end of sixty calendar days of continuous session of Congress after the date of promulgation of a rule or regulation, no committee of either House of Congress has reported or been discharged from further consideration of a concurrent resolution disapproving the rule or regulation and neither House has adopted such a resolution, the rule or regulation may go into effect immediately. If, within such sixty calendar days, such a committee has reported or been discharged from further consideration of such a resolution, or either House has adopted such a resolution, the rule or regulation may go into effect not sooner than ninety calendar days of continuous session of Congress after such rule is prescribed unless disapproved as provided in subsection (a) of this section.

(c) For purposes of subsections (a) and (b) of this section—

(1) continuity of session is broken only by an adjournment of Congress sine die; and

(2) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of thirty, sixty, and ninety calendar days of continuous session of Congress.

(d) Congressional inaction on, or rejection of, a resolution of disapproval shall not be deemed an expression of approval of such rule or regulation.

TRANSPORTATION

42 USC 9656.
Ante, p. 2767.
49 USC 1801 note.

SEC. 306. (a) Each hazardous substance which is listed or designated as provided in section 101(14) of this Act shall, within ninety days after the date of enactment of this Act or at the time of such listing or designation, whichever is later, be listed as a hazardous material under the Hazardous Materials Transportation Act.

Ante, p. 2781.

(b) A common or contract carrier shall be liable under other law in lieu of section 107 of this Act for damages or remedial action resulting from the release of a hazardous substance during the course of transportation which commenced prior to the effective date of the listing of such substance as a hazardous material under the Hazardous Materials Transportation Act, or for substances listed pursuant to subsection (a) of this section, prior to the effective date of such listing: *Provided, however,* That this subsection shall not apply where such a carrier can demonstrate that he did not have actual knowledge of the identity or nature of the substance released.

(c) Section 11901 of title 49, United States Code, is amended by—

(1) redesignating subsection (h) as subsection (i);

(2) by inserting "and subsection (h)" after "subsection (g)" in subsection (i)(2) as so redesignated by paragraph (1) of this subsection; and

(3) by inserting the following new subsection (h):

49 USC 10521.

"(h) A person subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title, or an officer, agent, or employee of that person, and who is required to comply with section 10921 of this title but does not so comply with respect to the transportation of hazardous wastes as defined by the Environmental Protection Agency pursuant to section 3001 of the Solid Waste Disposal Act (but not including any waste the regulation of which under the Solid Waste Disposal Act has been suspended by Congress) shall, in any action brought by the Commission, be liable to the United States for a civil penalty not to exceed $20,000 for each violation.".

ASSISTANT ADMINISTRATOR FOR SOLID WASTE

42 USC 6911.

SEC. 307. (a) Section 2001 of the Solid Waste Disposal Act is amended by striking out "a Deputy Assistant" and inserting in lieu thereof "an Assistant".

42 USC 6911a.
5 USC app; 42 USC 4321 note.
15 USC 2601 note.

(b) The Assistant Administrator of the Environmental Protection Agency appointed to head the Office of Solid Waste shall be in addition to the five Assistant Administrators of the Environmental Protection Agency provided for in section 1(d) of Reorganization Plan Numbered 3 of 1970 and the additional Assistant Administrator provided by the Toxic Substances Control Act, shall be appointed by the President by and with the advice and consent of the Senate, and shall be compensated at the rate provided for Level IV of the Executive Schedule pay rates under section 5315 of title 5, United States Code.

Effective date.
42 USC 6911 note.

(c) The amendment made by subsection (a) shall become effective ninety days after the date of the enactment of this Act.

SEPARABILITY

SEC. 308. If any provision of this Act, or the application of any provision of this Act to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances and the remainder of this Act shall not be affected thereby. 42 USC 9657.

Approved December 11, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-1016, pt. I (Comm. on Interstate and Foreign Commerce) and Pt. II (Comm. on Ways and Means).
SENATE REPORT No. 96-848 accompanying S. 1480 (Comm. on Environment and Public Works).
CONGRESSIONAL RECORD, Vol. 126 (1980):
  Sept. 18, 19, 23, considered and passed House.
  Nov. 24, considered and passed Senate, amended, in lieu of S. 1480.
  Dec. 3, House concurred in Senate amendments.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 16, No. 50:
  Dec. 11, Presidential statement.

Public Law 96-511
96th Congress

An Act

Dec. 11, 1980
[H.R. 6410]

To reduce paperwork and enhance the economy and efficiency of the Government and the private sector by improving Federal information policymaking, and for other purposes.

Paperwork Reduction Act of 1980.
44 USC 101 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Paperwork Reduction Act of 1980".

SEC. 2. (a) Chapter 35 of title 44, United States Code, is amended to read as follows:

"CHAPTER 35—COORDINATION OF FEDERAL INFORMATION POLICY

"Sec.
"3501. Purpose.
"3502. Definitions.
"3503. Office of Information and Regulatory Affairs.
"3504. Authority and functions of Director.
"3505. Assignment of tasks and deadlines.
"3506. Federal agency responsibilities.
"3507. Public information collection activities—submission to Director; approval and delegation.
"3508. Determination of necessity for information; hearing.
"3509. Designation of central collection agency.
"3510. Cooperation of agencies in making information available.
"3511. Establishment and operation of Federal Information Locator System.
"3512. Public protection.
"3513. Director review of agency activities; reporting; agency response.
"3514. Responsiveness to Congress.
"3515. Administrative powers.
"3516. Rules and regulations.
"3517. Consultation with other agencies and the public.
"3518. Effect on existing laws and regulations.
"3519. Access to information.
"3520. Authorization of appropriations.

44 USC 3501.

"§ 3501. Purpose

"The purpose of this chapter is—

"(1) to minimize the Federal paperwork burden for individuals, small businesses, State and local governments, and other persons;

"(2) to minimize the cost to the Federal Government of collecting, maintaining, using, and disseminating information;

"(3) to maximize the usefulness of information collected by the Federal Government;

"(4) to coordinate, integrate and, to the extent practicable and appropriate, make uniform Federal information policies and practices;

"(5) to ensure that automatic data processing and telecommunications technologies are acquired and used by the Federal Government in a manner which improves service delivery and program management, increases productivity, reduces waste and fraud, and, wherever practicable and appropriate, reduces the information processing burden for the Federal Government and for persons who provide information to the Federal Government; and

"(6) to ensure that the collection, maintenance, use and dissemination of information by the Federal Government is consistent with applicable laws relating to confidentiality, including section 552a of title 5, United States Code, known as the Privacy Act.

"§ 3502. Definitions

44 USC 3502.

"As used in this chapter—

"(1) the term 'agency' means any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency, but does not include the General Accounting Office, Federal Election Commission, the governments of the District of Columbia and of the territories and possessions of the United States, and their various subdivisions, or Government-owned contractor-operated facilities including laboratories engaged in national defense research and production activities;

"(2) the terms 'automatic data processing,' 'automatic data processing equipment,' and 'telecommunications' do not include any data processing or telecommunications system or equipment, the function, operation or use of which—

"(A) involves intelligence activities;

"(B) involves cryptologic activities related to national security;

"(C) involves the direct command and control of military forces;

"(D) involves equipment which is an integral part of a weapon or weapons system; or

"(E) is critical to the direct fulfillment of military or intelligence missions, provided that this exclusion shall not include automatic data processing or telecommunications equipment used for routine administrative and business applications such as payroll, finance, logistics, and personnel management;

"(3) the term 'burden' means the time, effort, or financial resources expended by persons to provide information to a Federal agency;

"(4) the term 'collection of information' means the obtaining or soliciting of facts or opinions by an agency through the use of written report forms, application forms, schedules, questionnaires, reporting or recordkeeping requirements, or other similar methods calling for either—

"(A) answers to identical questions posed to, or identical reporting or recordkeeping requirements imposed on, ten or more persons, other than agencies, instrumentalities, or employees of the United States; or

"(B) answers to questions posed to agencies, instrumentalities, or employees of the United States which are to be used for general statistical purposes;

"(5) the term 'data element' means a distinct piece of information such as a name, term, number, abbreviation, or symbol;

"(6) the term 'data element dictionary' means a system containing standard and uniform definitions and cross references for commonly used data elements;

"(7) the term 'data profile' means a synopsis of the questions contained in an information collection request and the official name of the request, the location of information obtained or to be obtained through the request, a description of any compilations, analyses, or reports derived or to be derived from such information, any record retention requirements associated with the request, the agency responsible for the request, the statute authorizing the request, and any other information necessary to identify, obtain, or use the data contained in such information;

"(8) the term 'Director' means the Director of the Office of Management and Budget;

"(9) the term 'directory of information resources' means a catalog of information collection requests, containing a data profile for each request;

"(10) the term 'independent regulatory agency' means the Board of Governors of the Federal Reserve System, the Civil Aeronautics Board, the Commodity Futures Trading Commission, the Consumer Product Safety Commission, the Federal Communications Commission, the Federal Deposit Insurance Corporation, the Federal Energy Regulatory Commission, the Federal Home Loan Bank Board, the Federal Maritime Commission, the Federal Trade Commission, the Interstate Commerce Commission, the Mine Enforcement Safety and Health Review Commission, the National Labor Relations Board, the Nuclear Regulatory Commission, the Occupational Safety and Health Review Commission, the Postal Rate Commission, the Securities and Exchange Commission, and any other similar agency designated by statute as a Federal independent regulatory agency or commission;

"(11) the term 'information collection request' means a written report form, application form, schedule, questionnaire, reporting or recordkeeping requirement, or other similar method calling for the collection of information;

"(12) the term 'information referral service' means the function that assists officials and persons in obtaining access to the Federal Information Locator System;

"(13) the term 'information systems' means management information systems;

"(14) the term 'person' means an individual, partnership, association, corporation, business trust, or legal representative, an organized group of individuals, a State, territorial, or local government or branch thereof, or a political subdivision of a State, territory, or local government or a branch of a political subdivision;

"(15) the term 'practical utility' means the ability of an agency to use information it collects, particularly the capability to process such information in a timely and useful fashion; and

"(16) the term 'recordkeeping requirement' means a requirement imposed by an agency on persons to maintain specified records.

44 USC 3503.

"§ 3503. Office of Information and Regulatory Affairs

Establishment.

"(a) There is established in the Office of Management and Budget an office to be known as the Office of Information and Regulatory Affairs.

"(b) There shall be at the head of the Office an Administrator who shall be appointed by, and who shall report directly to, the Director. The Director shall delegate to the Administrator the authority to administer all functions under this chapter, except that any such delegation shall not relieve the Director of responsibility for the administration of such functions. The Administrator shall serve as principal adviser to the Director on Federal information policy.

Administrator, appointment.

"§ 3504. Authority and functions of Director

44 USC 3504.

"(a) The Director shall develop and implement Federal information policies, principles, standards, and guidelines and shall provide direction and oversee the review and approval of information collection requests, the reduction of the paperwork burden, Federal statistical activities, records management activities, privacy of records, interagency sharing of information, and acquisition and use of automatic data processing telecommunications, and other technology for managing information resources. The authority under this section shall be exercised consistent with applicable law.

"(b) The general information policy functions of the Director shall include—

"(1) developing and implementing uniform and consistent information resources management policies and overseeing the development of information management principles, standards, and guidelines and promoting their use;

"(2) initiating and reviewing proposals for changes in legislation, regulations, and agency procedures to improve information practices, and informing the President and the Congress on the progress made therein;

"(3) coordinating, through the review of budget proposals and as otherwise provided in this section, agency information practices;

"(4) promoting, through the use of the Federal Information Locator System, the review of budget proposals and other methods, greater sharing of information by agencies;

"(5) evaluating agency information management practices to determine their adequacy and efficiency, and to determine compliance of such practices with the policies, principles, standards, and guidelines promulgated by the Director; and

"(6) overseeing planning for, and conduct of research with respect to, Federal collection, processing, storage, transmission, and use of information.

"(c) The information collection request clearance and other paperwork control functions of the Director shall include—

Paperwork control functions.

"(1) reviewing and approving information collection requests proposed by agencies;

"(2) determining whether the collection of information by an agency is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility for the agency;

"(3) ensuring that all information collection requests—

"(A) are inventoried, display a control number and, when appropriate, an expiration date;

"(B) indicate the request is in accordance with the clearance requirements of section 3507; and

Post, p. 2819.

"(C) contain a statement to inform the person receiving the request why the information is being collected, how it is to be used, and whether responses to the request are voluntary, required to obtain a benefit, or mandatory;

"(4) designating as appropriate, in accordance with section 3509, a collection agency to obtain information for two or more agencies; *Post*, p. 2820.

"(5) setting goals for reduction of the burdens of Federal information collection requests;

"(6) overseeing action on the recommendations of the Commission on Federal Paperwork; and

"(7) designing and operating, in accordance with section 3511, the Federal Information Locator System. *Post*, p. 2822.

"(d) The statistical policy and coordination functions of the Director shall include—

"(1) developing long range plans for the improved performance of Federal statistical activities and programs;

"(2) coordinating, through the review of budget proposals and as otherwise provided in this section, the functions of the Federal Government with respect to gathering, interpreting, and disseminating statistics and statistical information;

"(3) developing and implementing Government-wide policies, principles, standards, and guidelines concerning statistical collection procedures and methods, statistical data classifications, and statistical information presentation and dissemination; and

"(4) evaluating statistical program performance and agency compliance with Government-wide policies, principles, standards, and guidelines.

"(e) The records management functions of the Director shall include—

"(1) providing advice and assistance to the Administrator of General Services in order to promote coordination in the administration of chapters 29, 31, and 33 of this title with the information policies, principles, standards, and guidelines established under this chapter; 44 USC 2901 *et seq.*, 3101 *et seq.*, 3301 *et seq.*

"(2) reviewing compliance by agencies with the requirements of chapters 29, 31, and 33 of this title and with regulations promulgated by the Administrator of General Services thereunder; and

"(3) coordinating records management policies and programs with related information programs such as information collection, statistics, automatic data processing and telecommunications, and similar activities.

"(f) The privacy functions of the Director shall include—

"(1) developing and implementing policies, principles, standards, and guidelines on information disclosure and confidentiality, and on safeguarding the security of information collected or maintained by or on behalf of agencies;

"(2) providing agencies with advice and guidance about information security, restriction, exchange, and disclosure; and

"(3) monitoring compliance with section 552a of title 5, United States Code, and related information management laws.

"(g) The Federal automatic data processing and telecommunications functions of the Director shall include—

"(1) developing and implementing policies, principles, standards, and guidelines for automatic data processing and telecommunications functions and activities of the Federal Government, and overseeing the establishment of standards under section 111(f) of the Federal Property and Administrative Services Act of 1949; 40 USC 759.

"(2) monitoring the effectiveness of, and compliance with, directives issued pursuant to sections 110 and 111 of such Act of

1949 and reviewing proposed determinations under section 111(g) of such Act; 40 USC 757, 759.

"(3) providing advice and guidance on the acquisition and use of automatic data processing and telecommunications equipment, and coordinating, through the review of budget proposals and other methods, agency proposals for acquisition and use of such equipment;

"(4) promoting the use of automatic data processing and telecommunications equipment by the Federal Government to improve the effectiveness of the use and dissemination of data in the operation of Federal programs; and

"(5) initiating and reviewing proposals for changes in legislation, regulations, and agency procedures to improve automatic data processing and telecommunications practices, and informing the President and the Congress of the progress made therein.

"(h)(1) As soon as practicable, but no later than publication of a notice of proposed rulemaking in the Federal Register, each agency shall forward to the Director a copy of any proposed rule which contains a collection of information requirement and upon request, information necessary to make the determination required pursuant to this section.

"(2) Within sixty days after the notice of proposed rulemaking is published in the Federal Register, the Director may file public comments pursuant to the standards set forth in section 3508 on the collection of information requirement contained in the proposed rule. *Post*, p. 2821.

"(3) When a final rule is published in the Federal Register, the agency shall explain how any collection of information requirement contained in the final rule responds to the comments, if any, filed by the Director or the public, or explain why it rejected those comments.

"(4) The Director has no authority to disapprove any collection of information requirement specifically contained in an agency rule, if he has received notice and failed to comment on the rule within sixty days of the notice of proposed rulemaking.

"(5) Nothing in this section prevents the Director, in his discretion—

"(A) from disapproving any information collection request which was not specifically required by an agency rule;

"(B) from disapproving any collection of information requirement contained in an agency rule, if the agency failed to comply with the requirements of paragraph (1) of this subsection; or

"(C) from disapproving any collection of information requirement contained in a final agency rule, if the Director finds within sixty days of the publication of the final rule that the agency's response to his comments filed pursuant to paragraph (2) of this subsection was unreasonable.

"(D) from disapproving any collection of information requirement where the Director determines that the agency has substantially modified in the final rule the collection of information requirement contained in the proposed rule where the agency has not given the Director the information required in paragraph (1), with respect to the modified collection of information requirement, at least sixty days before the issuance of the final rule.

"(6) The Director shall make publicly available any decision to disapprove a collection of information requirement contained in an agency rule, together with the reasons for such decision.

"(7) The authority of the Director under this subsection is subject to the provisions of section 3507(c). *Post*, 2819.

"(8) This subsection shall apply only when an agency publishes a notice of proposed rulemaking and requests public comments.

"(9) There shall be no judicial review of any kind of the Director's decision to approve or not to act upon a collection of information requirement contained in an agency rule.

44 USC 3505.

"§ 3505. Assignment of tasks and deadlines

"In carrying out the functions under this chapter, the Director shall—

"(1) upon enactment of this Act—

"(A) set a goal to reduce the then existing burden of Federal collections of information by 15 per centum by October 1, 1982; and

"(B) for the year following, set a goal to reduce the burden which existed upon enactment by an additional 10 per centum;

"(2) within one year after the effective date of this Act—

"(A) establish standards and requirements for agency audits of all major information systems and assign responsibility for conducting Government-wide or multiagency audits, except the Director shall not assign such responsibility for the audit of major information systems used for the conduct of criminal investigations or intelligence activities as defined in section 4-206 of Executive Order 12036, issued January 24, 1978, or successor orders, or for cryptologic activities that are communications security activities; 50 USC 401 note.

"(B) establish the Federal Information Locator System;

"(C) identify areas of duplication in information collection requests and develop a schedule and methods for eliminating duplication;

"(D) develop a proposal to augment the Federal Information Locator System to include data profiles of major information holdings of agencies (used in the conduct of their operations) which are not otherwise required by this chapter to be included in the System; and

"(E) identify initiatives which may achieve a 10 per centum reduction in the burden of Federal collections of information associated with the administration of Federal grant programs; and

"(3) within two years after the effective date of this Act—

"(A) establish a schedule and a management control system to ensure that practices and programs of information handling disciplines, including records management, are appropriately integrated with the information policies mandated by this chapter;

"(B) identify initiatives to improve productivity in Federal operations using information processing technology;

"(C) develop a program to (i) enforce Federal information processing standards, particularly software language standards, at all Federal installations; and (ii) revitalize the standards development program established pursuant to section 759(f)(2) of title 40, United States Code, separating it from peripheral technical assistance functions and directing it to the most productive areas;

"(D) complete action on recommendations of the Commission on Federal Paperwork by implementing, implementing with modification or rejecting such recommendations including, where necessary, development of legislation to implement such recommendations;

"(E) develop, in consultation with the Administrator of General Services, a five-year plan for meeting the automatic data processing and telecommunications needs of the Federal Government in accordance with the requirements of section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759) and the purposes of this chapter; and

Five-year plan.

"(F) submit to the President and the Congress legislative proposals to remove inconsistencies in laws and practices involving privacy, confidentiality, and disclosure of information.

"§ 3506. Federal agency responsibilities

44 USC 3506.

"(a) Each agency shall be responsible for carrying out its information management activities in an efficient, effective, and economical manner, and for complying with the information policies, principles, standards, and guidelines prescribed by the Director.

"(b) The head of each agency shall designate, within three months after the effective date of this Act, a senior official or, in the case of military departments, and the Office of the Secretary of Defense, officials who report directly to such agency head to carry out the responsibilities of the agency under this chapter. If more than one official is appointed for the military departments the respective duties of the officials shall be clearly delineated.

"(c) Each agency shall—

"(1) systematically inventory its major information systems and periodically review its information management activities, including planning, budgeting, organizing, directing, training, promoting, controlling, and other managerial activities involving the collection, use, and dissemination of information;

"(2) ensure its information systems do not overlap each other or duplicate the systems of other agencies;

"(3) develop procedures for assessing the paperwork and reporting burden of proposed legislation affecting such agency;

"(4) assign to the official designated under subsection (b) the responsibility for the conduct of and accountability for any acquisitions made pursuant to a delegation of authority under section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759); and

"(5) ensure that information collection requests required by law or to obtain a benefit, and submitted to nine or fewer persons, contain a statement to inform the person receiving the request that the request is not subject to the requirements of section 3507 of this chapter.

Infra.

"(d) The head of each agency shall establish such procedures as necessary to ensure the compliance of the agency with the requirements of the Federal Information Locator System, including necessary screening and compliance activities.

Procedures, establishment.

"§ 3507. Public information collection activities—submission to Director; approval and delegation

44 USC 3507.

"(a) An agency shall not conduct or sponsor the collection of information unless, in advance of the adoption or revision of the request for collection of such information—

"(1) the agency has taken actions, including consultation with the Director, to—

"(A) eliminate, through the use of the Federal Information Locator System and other means, information collections which seek to obtain information available from another source within the Federal Government;

"(B) reduce to the extent practicable and appropriate the burden on persons who will provide information to the agency; and

"(C) formulate plans for tabulating the information in a manner which will enhance its usefulness to other agencies and to the public;

"(2) the agency (A) has submitted to the Director the proposed information collection request, copies of pertinent regulations and other related materials as the Director may specify, and an explanation of actions taken to carry out paragraph (1) of this subsection, and (B) has prepared a notice to be published in the Federal Register stating that the agency has made such submission; and

"(3) the Director has approved the proposed information collection request, or the period for review of information collection requests by the Director provided under subsection (b) has elapsed.

"(b) The Director shall, within sixty days of receipt of a proposed information collection request, notify the agency involved of the decision to approve or disapprove the request and shall make such decisions publicly available. If the Director determines that a request submitted for review cannot be reviewed within sixty days, the Director may, after notice to the agency involved, extend the review period for an additional thirty days. If the Director does not notify the agency of an extension, denial, or approval within sixty days (or, if the Director has extended the review period for an additional thirty days and does not notify the agency of a denial or approval within the time of the extension), a control number shall be assigned without further delay, the approval may be inferred, and the agency may collect the information for not more than one year.

Ante, p. 2815; *post*, p. 2821.

"(c) Any disapproval by the Director, in whole or in part, of a proposed information collection request of an independent regulatory agency, or an exercise of authority under section 3504(h) or 3509 concerning such an agency, may be voided, if the agency by a majority vote of its members overrides the Director's disapproval or exercise of authority. The agency shall certify each override to the Director, shall explain the reasons for exercising the override authority. Where the override concerns an information collection request, the Director shall without further delay assign a control number to such request, and such override shall be valid for a period of three years.

"(d) The Director may not approve an information collection request for a period in excess of three years.

Ante, p. 2819.

5 USC 500 *et seq.*

"(e) If the Director finds that a senior official of an agency designated pursuant to section 3506(b) is sufficiently independent of program responsibility to evaluate fairly whether proposed information collection requests should be approved and has sufficient resources to carry out this responsibility effectively, the Director may, by rule in accordance with the notice and comment provisions of chapter 5 of title 5, United States Code, delegate to such official the authority to approve proposed requests in specific program areas, for specific purposes, or for all agency purposes. A delegation by the Director under this section shall not preclude the Director from reviewing individual information collection requests if the Director determines that circumstances warrant such a review. The Director shall retain authority to revoke such delegations, both in general and with regard to any specific matter. In acting for the Director, any official to whom approval authority has been delegated under this section shall comply fully with the rules and regulations promulgated by the Director.

"(f) An agency shall not engage in a collection of information without obtaining from the Director a control number to be displayed upon the information collection request.

"(g) If an agency head determines a collection of information (1) is needed prior to the expiration of the sixty-day period for the review of information collection requests established pursuant to subsection (b), (2) is essential to the mission of the agency, and (3) the agency cannot reasonably comply with the provisions of this chapter within such sixty-day period because (A) public harm will result if normal clearance procedures are followed, or (B) an unanticipated event has occurred and the use of normal clearance procedures will prevent or disrupt the collection of information related to the event or will cause a statutory deadline to be missed, the agency head may request the Director to authorize such collection of information prior to expiration of such sixty-day period. The Director shall approve or disapprove any such authorization request within the time requested by the agency head and, if approved, shall assign the information collection request a control number. Any collection of information conducted pursuant to this subsection may be conducted without compliance with the provisions of this chapter for a maximum of ninety days after the date on which the Director received the request to authorize such collection.

"§ 3508. Determination of necessity for information; hearing

44 USC 3508.

"Before approving a proposed information collection request, the Director shall determine whether the collection of information by an agency is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility. Before making a determination the Director may give the agency and other interested persons an opportunity to be heard or to submit statements in writing. To the extent, if any, that the Director determines that the collection of information by an agency is unnecessary, for any reason, the agency may not engage in the collection of the information.

"§ 3509. Designation of central collection agency

44 USC 3509.

"The Director may designate a central collection agency to obtain information for two or more agencies if the Director determines that the needs of such agencies for information will be adequately served by a single collection agency, and such sharing of data is not inconsistent with any applicable law. In such cases the Director shall prescribe (with reference to the collection of information) the duties and functions of the collection agency so designated and of the agencies for which it is to act as agent (including reimbursement for costs). While the designation is in effect, an agency covered by it may not obtain for itself information which it is the duty of the collection agency to obtain. The Director may modify the designation from time to time as circumstances require. The authority herein is subject to the provisions of section 3507(c) of this chapter.

Ante, p. 2819.

44 USC 3510.

"§ 3510. Cooperation of agencies in making information available

"(a) The Director may direct an agency to make available to another agency, or an agency may make available to another agency, information obtained pursuant to an information collection request if the disclosure is not inconsistent with any applicable law.

"(b) If information obtained by an agency is released by that agency to another agency, all the provisions of law (including penalties which relate to the unlawful disclosure of information) apply to the officers and employees of the agency to which information is released to the same extent and in the same manner as the provisions apply to the officers and employees of the agency which originally obtained the information. The officers and employees of the agency to which the information is released, in addition, shall be subject to the same provisions of law, including penalties, relating to the unlawful disclosure of information as if the information had been collected directly by that agency.

44 USC 3511.

"§ 3511. Establishment and operation of Federal Information Locator System

"(a) There is established in the Office of Information and Regulatory Affairs a Federal Information Locator System (hereafter in this section referred to as the 'System') which shall be composed of a directory of information resources, a data element dictionary, and an information referral service. The System shall serve as the authoritative register of all information collection requests.

Functions.

"(b) In designing and operating the System, the Director shall—

"(1) design and operate an indexing system for the System;

"(2) require the head of each agency to prepare in a form specified by the Director, and to submit to the Director for inclusion in the System, a data profile for each information collection request of such agency;

"(3) compare data profiles for proposed information collection requests against existing profiles in the System, and make available the results of such comparison to—

"(A) agency officials who are planning new information collection activities; and

"(B) on request, members of the general public; and

"(4) ensure that no actual data, except descriptive data profiles necessary to identify duplicative data or to locate information, are contained within the System.

44 USC 3512.

"§ 3512. Public protection

"Notwithstanding any other provision of law, no person shall be subject to any penalty for failing to maintain or provide information to any agency if the information collection request involved was made after December 31, 1981, and does not display a current control number assigned by the Director, or fails to state that such request is not subject to this chapter.

44 USC 3513.

"§ 3513. Director review of agency activities; reporting; agency response

"(a) The Director shall, with the advice and assistance of the Administrator of General Services, selectively review, at least once every three years, the information management activities of each agency to ascertain their adequacy and efficiency. In evaluating the adequacy and efficiency of such activities, the Director shall pay particular attention to whether the agency has complied with section 3506.

Ante, p. 2819.

Report to congressional committees.

"(b) The Director shall report the results of the reviews to the appropriate agency head, the House Committee on Government Operations, the Senate Committee on Governmental Affairs, the House and Senate Committees on Appropriations, and the committees of the Congress having jurisdiction over legislation relating to the operations of the agency involved.

Written statement, submittal to congressional committees.

"(c) Each agency which receives a report pursuant to subsection (b) shall, within sixty days after receipt of such report, prepare and transmit to the Director, the House Committee on Government Operations, the Senate Committee on Governmental Affairs, the House and Senate Committees on Appropriations, and the committees of the Congress having jurisdiction over legislation relating to the operations of the agency, a written statement responding to the Director's report, including a description of any measures taken to alleviate or remove any problems or deficiencies identified in such report.

"§ 3514. Responsiveness to Congress

44 USC 3514.

Report to President of the Senate and Speaker of the House.

"(a) The Director shall keep the Congress and its committees fully and currently informed of the major activities under this chapter, and shall submit a report thereon to the President of the Senate and the Speaker of the House of Representatives annually and at such other times as the Director determines necessary. The Director shall include in any such report—

"(1) proposals for legislative action needed to improve Federal information management, including, with respect to information collection, recommendations to reduce the burden on individuals, small businesses, State and local governments, and other persons;

"(2) a compilation of legislative impediments to the collection of information which the Director concludes that an agency needs but does not have authority to collect;

"(3) an analysis by agency, and by categories the Director finds useful and practicable, describing the estimated reporting hours required of persons by information collection requests, including to the extent practicable the direct budgetary costs of the agencies and identification of statutes and regulations which impose the greatest number of reporting hours;

"(4) a summary of accomplishments and planned initiatives to reduce burdens of Federal information collection requests;

"(5) a tabulation of areas of duplication in agency information collection requests identified during the preceding year and efforts made to preclude the collection of duplicate information, including designations of central collection agencies;

"(6) a list of each instance in which an agency engaged in the collection of information under the authority of section 3507(g) and an identification of each agency involved;

Ante, p. 2819.

"(7) a list of all violations of provisions of this chapter and rules, regulations, guidelines, policies, and procedures issued pursuant to this chapter; and

"(8) with respect to recommendations of the Commission on Federal Paperwork—

"(A) a description of the specific actions taken on or planned for each recommendation;

"(B) a target date for implementing each recommendation accepted but not implemented; and

"(C) an explanation of the reasons for any delay in completing action on such recommendations.

"(b) The preparation of any report required by this section shall not increase the collection of information burden on persons outside the Federal Government.

44 USC 3515.

"§ 3515. Administrative powers

"Upon the request of the Director, each agency (other than an independent regulatory agency) shall, to the extent practicable, make its services, personnel, and facilities available to the Director for the performance of functions under this chapter.

44 USC 3516.

"§ 3516. Rules and regulations

"The Director shall promulgate rules, regulations, or procedures necessary to exercise the authority provided by this chapter.

44 USC 3517.

"§ 3517. Consultation with other agencies and the public

"In development of information policies, plans, rules, regulations, procedures, and guidelines and in reviewing information collection requests, the Director shall provide interested agencies and persons early and meaningful opportunity to comment.

44 USC 3518.

"§ 3518. Effect on existing laws and regulations

"(a) Except as otherwise provided in this chapter, the authority of an agency under any other law to prescribe policies, rules, regulations, and procedures for Federal information activities is subject to the authority conferred on the Director by this chapter.

5 USC app.

"(b) Nothing in this chapter shall be deemed to affect or reduce the authority of the Secretary of Commerce or the Director of the Office of Management and Budget pursuant to Reorganization Plan No. 1 of 1977 (as amended) and Executive order, relating to telecommunications and information policy, procurement and management of telecommunications and information systems, spectrum use, and related matters.

"(c)(1) Except as provided in paragraph (2), this chapter does not apply to the collection of information—

"(A) during the conduct of a Federal criminal investigation or prosecution, or during the disposition of a particular criminal matter;

"(B) during the conduct of (i) a civil action to which the United States or any official or agency thereof is a party or (ii) an administrative action or investigation involving an agency against specific individuals or entities;

15 USC 1311 note.
Ante, p. 380.

"(C) by compulsory process pursuant to the Antitrust Civil Process Act and section 13 of the Federal Trade Commission Improvements Act of 1980; or

50 USC 401 note.

"(D) during the conduct of intelligence activities as defined in section 4-206 of Executive Order 12036, issued January 24, 1978, or successor orders, or during the conduct of cryptologic activities that are communications security activities.

"(2) This chapter applies to the collection of information during the conduct of general investigations (other than information collected in an antitrust investigation to the extent provided in subparagraph (C) of paragraph (1)) undertaken with reference to a category of individuals or entities such as a class of licensees or an entire industry.

40 USC 759.

"(d) Nothing in this chapter shall be interpreted as increasing or decreasing the authority conferred by Public Law 89-306 on the Administrator of the General Services Administration, the Secretary of Commerce, or the Director of the Office of Management and Budget.

"(e) Nothing in this chapter shall be interpreted as increasing or decreasing the authority of the President, the Office of Management and Budget or the Director thereof, under the laws of the United States, with respect to the substantive policies and programs of departments, agencies and offices, including the substantive authority of any Federal agency to enforce the civil rights laws.

"§ 3519. Access to information

44 USC 3519.

"Under the conditions and procedures prescribed in section 313 of the Budget and Accounting Act of 1921, as amended, the Director and personnel in the Office of Information and Regulatory Affairs shall furnish such information as the Comptroller General may require for the discharge of his responsibilities. For this purpose, the Comptroller General or representatives thereof shall have access to all books, documents, papers and records of the Office.

Ante, p. 312.

"§ 3520. Authorization of appropriations

44 USC 3520.

"There are hereby authorized to be appropriated to carry out the provisions of this chapter, and for no other purpose, sums—

"(1) not to exceed $8,000,000 for the fiscal year ending September 30, 1981;

"(2) not to exceed $8,500,000 for the fiscal year ending September 30, 1982; and

"(3) not to exceed $9,000,000 for the fiscal year ending September 30, 1983."

(b) The item relating to chapter 35 in the table of chapters for such title is amended to read as follows:

"35. Coordination of Federal Information Policy.".

(c)(1) Section 2904(10) of such title is amended to read as follows:

44 USC 2904.

"(10) report to the appropriate oversight and appropriations committees of the Congress and to the Director of the Office of Management and Budget annually and at such other times as the Administrator deems desirable (A) on the results of activities conducted pursuant to paragraphs (1) through (9) of this section, (B) on evaluations of responses by Federal agencies to any recommendations resulting from inspections or studies conducted under paragraphs (8) and (9) of this section, and (C) to the extent practicable, estimates of costs to the Federal Government resulting from the failure of agencies to implement such recommendations."

(2) Section 2905 of such title is amended by redesignating the text thereof as subsection (a) and by adding at the end of such section the following new subsection:

44 USC 2905.

"(b) The Administrator of General Services shall assist the Administrator for the Office of Information and Regulatory Affairs in conducting studies and developing standards relating to record retention requirements imposed on the public and on State and local governments by Federal agencies.".

Studies.

SEC. 3. (a) The President and the Director of the Office of Management and Budget shall delegate to the Administrator for the Office of Information and Regulatory Affairs all functions, authority, and responsibility under section 103 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 18b).

44 USC 3503 note.

(b) The Director of the Office of Management and Budget shall delegate to the Administrator for the Office of Information and

Regulatory Affairs all functions, authority, and responsibility of the Director under section 552a of title 5, United States Code, under Executive Order 12046 and Reorganization Plan No. 1 for telecommunications, and under section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759).

47 USC 305 note, 50 USC app. 2251 note and 2271 note.

20 USC 1221-3.

Sec. 4. (a) Section 400A of the General Education Provisions Act is amended by (1) striking out "and" after "institutions" in subsection (a)(1)(A) and inserting in lieu thereof "or", and (2) by amending subsection (a)(3)(B) to read as follows:

"(B) No collection of information or data acquisition activity subject to such procedures shall be subject to any other review, coordination, or approval procedure outside of the relevant Federal agency, except as required by this subsection and by the Director of the Office of Management and Budget under the rules and regulations established pursuant to chapter 35 of title 44, United States Code. If a requirement for information is submitted pursuant to this Act for review, the timetable for the Director's approval established in section 3507 of the Paperwork Reduction Act of 1980 shall commence on the date the request is submitted, and no independent submission to the Director shall be required under such Act.".

Ante, p. 2812.

Ante, p. 2819.

Repeal.

(b) Section 201(e) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1211) is repealed.

Repeal.

(c) Section 708(f) of the Public Health Service Act (42 U.S.C. 292h(f)) is repealed.

(d) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following:

"Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget.".

Effective date. 44 USC 3501 note.

Sec. 5. This Act shall take effect on April 1, 1981.

Approved December 11, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-835 (Comm. on Government Operations).
SENATE REPORT No. 96-930 accompanying S. 1411 (Comm. on Governmental Affairs).
CONGRESSIONAL RECORD, Vol. 126 (1980):
  Mar. 24, considered and passed House.
  Nov. 19, S. 1411 considered and passed Senate; passage vacated and H.R. 6410, amended, passed in lieu.
  Dec. 1, House concurred in Senate amendments.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 16, No. 50:
  Dec. 11, Presidential statement.

Public Law 96-512
96th Congress

An Act

Entitled the "Methane Transportation Research, Development, and Demonstration Act of 1980".

Dec. 12, 1980
[H.R. 6889]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Methane Transportation Research, Development, and Demonstration Act of 1980".

Methane Transportation Research, Development, and Demonstration Act of 1980.
15 USC 3801 note.

FINDINGS AND POLICY

15 USC 3801.

SEC. 2. (a) The Congress finds and declares that—

(1) gasoline and diesel fuel for vehicular use are in short supply and constitute a sizable portion of domestic petroleum consumption;

(2) methane use in fleet-operated vehicles would result in substantial reduction in oil imports;

(3) methane is in more abundant domestic supply than petroleum products, is the primary component of natural gas and can be derived in increased quantities from coal, biomass, waste products, and other renewable resources;

(4) recoverable methane presently available in the United States is not fully utilized;

(5) test results to date indicate that methane use as a substitute for gasoline as a motor fuel can result in emission reductions;

(6) experience to date has shown methane to be a safe motor fuel in properly modified vehicles and is therefore particularly suitable as fuel for fleet vehicles; and

(7) the introduction into commerce of methane-fueled vehicles would be expedited and facilitated by the establishment of a Federal program of research, development, and demonstration to explore and refine technologies related to methane use as a vehicular fuel.

(b) It is therefore declared to be the policy of the Congress in this Act to—

(1) provide for and support advanced and accelerated research into, and development of, methane vehicle design, and related technologies;

(2) demonstrate the economic and technological practicalities of methane-fueled vehicles for fleet use and of methane-fueled farm equipment;

(3) facilitate, and remove barriers to, the use of methane-fueled vehicles in lieu of gasoline- or diesel-powered motor vehicles where practicable;

(4) promote the substitution of methane-fueled vehicles for gasoline- and diesel-powered vehicles currently used on farms and in fleet operations, particularly in areas where such substitution would facilitate plans to meet air quality standards set under the Clean Air Act, as amended; and

42 USC 7401 note.

(5) supplement, but neither supplant nor duplicate, the automotive propulsion system research and development efforts of private industry.

DEFINITIONS

15 USC 3802. SEC. 3. For purposes of this Act—

15 USC 3301. (a) the term "methane" means either natural gas (as defined in section 2(1) of the Natural Gas Policy Act of 1978), gas derived from coal, liquefied natural gas, or any gaseous transportation fuel produced from biomass, waste products, and other renewable resources;

(b) the term "Secretary" means the Secretary of Energy;

(c) the term "public entities" means any unit or units of State and/or local governments;

(d) the term "private entities" means any person, such as any organization incorporated under State law, for profit or not-for-profit, or a consortium of such organizations, but does not include public entities;

(e) the term "vehicle" means any truck, van, station wagon, bus, or car used on public roads or highways as well as off-road agricultural equipment, such as tractors, harvesters, and so forth, which presently burn gasoline or diesel fuel; and

(f) the terms "facilities for the transmission and storage of methane", "methane transmission, storage and dispensing facilities", and any variant thereof means such facilities which are (1) directly necessary for the conduct of a demonstration, (2) for the exclusive use of a demonstration and (3) reasonably incidental to a demonstration.

DUTIES OF THE SECRETARY

15 USC 3803. SEC. 4. (a) The Secretary shall designate prior to February 1, 1981, an appropriate organizational entity within the Department of Energy to manage the methane vehicle research, development, and demonstration program.

Agreements with agencies. (b) The Secretary shall have the responsibility for monitoring and assuring proper management of the program. The Secretary may enter into agreements or arrangements with the National Aeronautics and Space Administration, the Department of Transportation, the Environmental Protection Agency, or any other Federal department or agency, pursuant to which such department or agency shall conduct specified parts or aspects of the program as the Secretary deems necessary or appropriate and within the particular competence of such agency, to the extent that such agency has capabilities which would enable it to contribute to the success of the program and attainment of the purposes of this Act.

(c) In assuring the effective management of this program, the Secretary shall have specific responsibility to ascertain that the program includes activities to—

(1) promote basic and applied research on methane-fueled vehicle construction, modification, and safety;

(2) conduct research and development on optimum overall specifications for methane-fueled vehicles;

(3) determine appropriate means and facilities for safely and economically storing, transporting, and dispensing methane for use as a vehicular fuel;

(4) conduct demonstration projects with respect to the feasibility of methane-fueled vehicles and methane transmission, stor-

age and dispensing facilities (A) by providing necessary financial or technical assistance for the construction, modification, or operation of motor vehicles to be methane-fueled for practical use or of methane transmission, storage and dispensing facilities, and (B) by entering into agreements or arrangements with other entities, governmental and nongovernmental, for the demonstration of such vehicles and facilities;

(5) gather performance data, including but not limited to emissions data, on methane-fueled vehicles and related transmission and storage facilities;

(6) determine that the participants in each demonstration assisted under this Act have made satisfactory arrangements to obtain an adequate supply of methane for vehicular use in the project;

(7) ascertain the need for modifications in available methane-fueled vehicles to improve their efficiency and performance and to facilitate their widespread use by fleet owners; and

Report to Congress.

(8) ascertain and report to the Congress on any changes in fuel supply patterns, tax policies, and standards governing the manufacture of vehicles which are needed to facilitate the manufacture and use of methane-fueled vehicles.

(d)(1) The Secretary of Energy shall insure that the conduct of the research and development program of this Act—

(A) supplements the automotive propulsion system research and development efforts of industry;

(B) is not formulated in a manner that will supplant private industry research and development or displace or lessen industry's research and development; and

(C) avoids duplication of private research and development.

Regulations.

(2) To that end, the Secretary of Energy shall issue administrative regulations, within 60 days after the date of the enactment of this Act, which shall specify procedures, standards, and criteria for the timely review for compliance of each new contract, grant, Department of Energy project, or other agency project funded or to be funded under the authority of this Act. Such regulations shall require that the Secretary of Energy or his designee shall certify that each such contract, grant, or project satisfies the requirement of this subsection, and shall include in such certification a discussion of the relationship of any related or comparable industry research and development, in terms of this subsection, to the proposed research and development under the authority of this Act. The discussion shall also address related issues, such as cost sharing and patent rights.

Certifications, availability to congressional committees.

5 USC 500 *et seq.*

42 USC 5916.

(3) Such certifications shall be available to the Committee on Science and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. The provisions of chapter 5 of title 5, United States Code, shall not apply to such certifications and no court shall have any jurisdiction to review the preparation or adequacy of such certifications; but section 553 of title 5, United States Code, and section 17 of the Federal Nonnuclear Energy Research and Development Act of 1974, as amended, shall apply to public disclosure of such certifications.

(4) The Secretary of Energy also shall include in the report required by section 9 of this Act a detailed discussion of how each research and development contract, grant, or project funded under the authority of this Act satisfies the requirement of this subsection.

(5) Further, the Secretary of Energy in each annual budget submission to the Congress, or amendment thereto, for the programs authorized by this Act shall describe how each identified research

and development effort in such submission satisfies the requirements of this subsection.

(6) The provisions and requirements of this subsection shall not apply with respect to any contract, grant, or project which was entered into, made, or formally approved and initiated prior to the enactment of this Act, or with respect to any renewal or extension thereof.

COORDINATION WITH OTHER AGENCIES

15 USC 3804.

SEC. 5. (a) In carrying out the programs established under sections 4 and 7, the Secretary shall assure, to the maximum extent practicable, that the functions of this program are coordinated with related regulatory activities and other responsibilities of the Department of Energy and any other Federal departments or agencies.

(b) Each department, agency, and instrumentality of the executive branch of the Federal Government shall carefully consider any written request from the Secretary, the head of any organizational entity designated by the Secretary pursuant to section 4(a), or the head of any agency which is party to an agreement or arrangement pursuant to section 4(b), to furnish such assistance, on a reimbursable basis, as the Secretary or such head deems necessary to carry out the program and to achieve the purposes of this Act. Such assistance may include transfer of personnel with their consent and without prejudice to their position and rating.

RESEARCH AND DEVELOPMENT

15 USC 3805.

SEC. 6. The Secretary, acting through appropriate agencies and contractors, shall initiate and provide for the conduct of research and development in areas relating to methane-fueled vehicles, including but not limited to—

(1) flammability and combustibility of methane under conditions likely to develop in storage or during vehicular use;

(2) handling, storage, and distribution of methane for vehicular propulsion purposes;

(3) comprehensive assessment of the relative hazards under identical circumstances of methane, propane, gasoline, and diesel fuel;

(4) feasibility, economy, and efficiency of technologies for the production and recovery of methane from unconventional and supplemental sources, as provided for in other authorization Acts;

(5) engine and fuel tank design including, but not limited to, optimum design for dual fuel capacity vehicles;

(6) total vehicle construction and design;

(7) the nature and quantities of emissions, and alterations in or alternatives to emission control systems presently in use; and

(8) overcoming institutional barriers to widespread use, including but not limited to restrictions on the transportation of methane for vehicular use through tunnels, and the potential expansion of the distribution of methane for vehicular purposes.

DEMONSTRATIONS

15 USC 3806.

SEC. 7. (a) Not later than January 1, 1982, the Secretary shall develop data assessing the current state-of-the-art with respect to vehicles fueled by methane to serve as baseline data to be utilized in evaluating improvements in methane-fueled vehicle technologies.

Guidelines.

(b) Not later than April 1, 1982, the Secretary shall have promulgated necessary and appropriate guidelines for demonstrations and issued an initial request for proposals for technical and financial assistance to support public and private entities in developing and implementing demonstration projects to gather data on the operation of methane-fueled vehicles and methane transmission, storage and dispensing facilities, under differing climatic, atmospheric, and operating conditions and on design and technical modifications of those vehicles and facilities:

(1) In the case of public entities, the Secretary is authorized to provide—

(A) technical assistance reasonably associated with the modification or acquisition of vehicles to be fueled by methane or with dual fuel capacity, the installation of methane transmission, storage and dispensing facilities, and compliance with data acquisition and reporting requirements under this Act; and

(B) grants to cover up to 50 per centum of reasonable and necessary costs associated with the installation of methane transmission, storage and dispensing facilities: *Provided,* That the Secretary shall be authorized to direct and require recipients of assistance under this section to enter into cooperative agreements for the planning and use of such facilities with other recipients of assistance under this section, under a cost-sharing agreement where appropriate and economical.

(2)(A) In the case of private entities, the Secretary is authorized to provide—

(i) technical assistance reasonably associated with the modification or acquisition of vehicles to be fueled by methane or with dual fuel capacity, the installation of methane transmission, storage and dispensing facilities, and compliance with data acquisition and reporting requirements under this Act; and

(ii) loans to cover up to 50 per centum of reasonable and necessary costs associated with the installation of methane transmission, storage and dispensing facilities: *Provided,* That the Secretary shall be authorized to direct and require recipients of assistance under this section to enter into cooperative agreements for the planning and use of such facilities with other recipients of assistance under this section under a cost-sharing agreement where appropriate and economical.

Loans, interest rate.

(B) Loans issued under this section shall bear interest at such rate as the Secretary may determine, giving consideration to the needs and capacities of the recipient and the prevailing rates of interest (public and private), except that such rate shall not be less than a rate determined by the Secretary of the Treasury, taking into consideration the current average yield on outstanding marketable obligations of the United States with remaining periods of maturity comparable to the average maturities of such loans. No loan shall be made unless the Secretary shall have determined that there is reasonable prospect of repayment.

Terms and conditions.

(C) The terms and conditions of loans issued under this section shall take into account the scope of the particular demonstration and any particular conditions which might reasonably be expected to result in additional costs to the recipient, and shall reflect the relative costs of gasoline and diesel fuel and methane and the projected savings in fuel costs to the recipient as a result of participating in the demonstration. In no instance shall a loan issued under this section be for a period in excess of five years.

(3) The Secretary shall provide for appropriate assistance to defray costs associated with complying with data acquisition and reporting requirements under this Act.

(4) In the case of an organization comprised of both public and private entities, a package of technical and financial assistance shall be designed to the maximum extent feasible, in such a manner as to assist its public components as provided for in paragraph (1) and to assist its private components as provided for in paragraph (2) of this section.

(c) Not fewer than fifty demonstrations shall be assisted under this section with not fewer than ten being initiated in the fiscal year ending September 30, 1982, and not fewer than twenty being initiated in each of the fiscal years ending September 30, 1983, and September 30, 1984. In the case of demonstrations initiated under this Act after the first fiscal year in which demonstrations are funded, the Secretary shall ascertain that plans for such demonstrations take into consideration information and findings included in reports filed on other demonstrations assisted under this Act.

(d) Each demonstration shall have a duration of at least three years during which time records including, but not limited to, fuel efficiency indicators, emissions data, repair statistics, and detailed reports of any accidents, shall be maintained and reports made to the Secretary in accordance with guidelines promulgated by the Secretary prior to issuance of the first loan or grant under this section and amended no more often than twice annually.

(e) In selecting proposed demonstrations to be supported under this section, the Secretary shall, to the maximum extent practicable, assure representation of diverse operating conditions and vehicle types including, but not limited to—

(1) altitude and topography,
(2) climatic conditions,
(3) air quality conditions,
(4) industrial, commercial, and agricultural uses,
(5) varying vehicular structures, and
(6) average trip lengths:

Provided, however, That not fewer than two demonstrations initiated in each year shall be located in a county or standard metropolitan statistical area designated by the Secretary upon recommendation of the Administrator of the Environmental Protection Agency based on severity or uniqueness of air quality conditions: *And provided further,* That the fleet or portions of fleets participating in each demonstration with funding under this Act shall consist of not fewer than fifty vehicles, except in the case of one demonstration each year involving methane-fueled off-road agricultural equipment.

USE OF METHANE-FUELED VEHICLES BY FEDERAL AGENCIES

Consultation.
15 USC 3807.

SEC. 8. The Secretary shall consult with the Postmaster General of the United States Postal Service, the Administrator of the General Services Administration, the Secretary of Defense, and the heads of other Federal agencies where appropriate to—

(a) determine the practicability of using methane vehicles in the performance of certain or all of the functions of their agencies based in counties and standard metropolitan statistical areas in which demonstrations under section 7 of this Act are being conducted; and

(b) arrange for appropriate use of methane-fueled vehicles at the earliest practicable date.

REPORTS TO THE CONGRESS

SEC. 9. The Secretary shall submit to the Senate and the House of Representatives, for referral to the appropriate committees, such reports as the Secretary deems appropriate including an annual report on all activities being undertaken or carried out pursuant to the provisions of the Act, including— 15 USC 3808.

(1) such projections and estimates as may be necessary to evaluate the progress of the program and to indicate the extent to which, and the pace at which, the objectives of this Act are being achieved;

(2) an assessment of what problems exist and of the need for further research and development oriented toward the resolution of those problems;

(3) an assessment of the potential for commercialization of methane-fueled vehicles in various markets; and

(4) any recommendations which the Secretary may deem appropriate for legislation or administrative action which would further the purposes of this Act or facilitate expanded commercial use of methane-fueled vehicles.

AUTHORIZATIONS FOR APPROPRIATIONS

SEC. 10. There are authorized to be appropriated to the Secretary for purposes of carrying out this Act, not to exceed $3,000,000 for the fiscal year ending September 30, 1982, not less than one-half of which shall be for the purpose of making loans under section 7(b); not to exceed $5,000,000 for the fiscal year ending September 30, 1983, not less than one-half of which shall be for the purpose of making loans under section 7(b); not to exceed $5,000,000 for the fiscal year ending September 30, 1984, not less than one-half of which shall be for the purpose of making loans under section 7(b); and such sums as may be necessary for the fiscal years ending September 30, 1985, and September 30, 1986. Any amount appropriated pursuant to this section shall remain available until expended. 15 USC 3809.

RELATIONSHIP TO OTHER LAWS

SEC. 11. (a) Nothing in this Act shall be construed as authorizing the Secretary or any other official with respect to any activity pursuant to this Act to modify or waive the application of any Federal, State or local laws dealing with the production, transportation, storage, safety, use or pricing of methane. 15 USC 3810.

(b) Nothing in this Act shall be construed as granting the Secretary or any other Federal official any authority to promulgate rules of general application to regulate the production, transportation, storage, safety, use or pricing of methane as a transportation fuel or vehicles which use methane as a transportation fuel.

Approved December 12, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1237 (Comm. on Science and Technology).
SENATE REPORT No. 96-1006 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 126 (1980):
  Aug. 25, considered and passed House.
  Nov. 20, considered and passed Senate, amended.
  Nov. 21, passage vitiated; reconsidered and passed Senate, amended; House concurred in Senate amendments.

Public Law 96-513
96th Congress

An Act

To amend title 10, United States Code, to revise and standardize the provisions of law relating to appointment, promotion, separation, and mandatory retirement of regular commissioned officers of the Army, Navy, Air Force, and Marine Corps, to establish the permanent grade of commodore admiral in the Navy, to equalize the treatment of female commissioned officers with that of male commissioned officers, and for other purposes.

Dec. 12, 1980
[S. 1918]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Defense Officer Personnel Management Act.

SHORT TITLE; TABLE OF CONTENTS

SECTION 1. (a) This Act may be cited as the "Defense Officer Personnel Management Act".

10 USC 101 note.

(b) The table of contents for this Act is as follows:

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Sec. 1. Short title; table of contents.
Sec. 2. References to title 10, United States Code.

TITLE I—AMENDMENTS TO SUBTITLE A OF TITLE 10, UNITED STATES CODE—GENERAL MILITARY LAW

Sec. 101. Definitions.
Sec. 102. Exclusion of certain personnel from annual end-strengths; annual report on estimated officer personnel requirements for next five years.
Sec. 103. Officer strength and distribution in grade.
Sec. 104. Original appointments in regular commissioned officer grades.
Sec. 105. Temporary appointments in officer grades and promotion, separation, and involuntary retirement of officers on the active-duty list.
Sec. 106. Authority to order retired members of regular components to active duty; grade in which reserve officers ordered to active duty.
Sec. 107. Rank of commissioned officers among themselves.
Sec. 108. Right of retired officers to command.
Sec. 109. Separation pay upon involuntary discharge or release from active duty.
Sec. 110. Involuntary separation of regular officers for substandard performance of duty or for certain other reasons.
Sec. 111. Retirement of regular commissioned officers at age 62.
Sec. 112. Requirement of three years service in grade for voluntary retirement.
Sec. 113. Computation of retired pay for regular officers retiring for age or years of service.
Sec. 114. Officers attending Uniformed Services University of the Health Sciences to be counted against authorized military strengths.
Sec. 115. Repeal of certain gender-based differences in treatment of dependents.
Sec. 116. Extension of restrictions on performance of civil functions to all officers on active duty.
Sec. 117 Permanent authority for certain provisions relating to disability retirement.

TITLE II—AMENDMENTS TO SUBTITLES B AND D OF TITLE 10, UNITED STATES CODE—THE ARMY AND THE AIR FORCE

PART A—AMENDMENTS RELATING TO OFFICER APPOINTMENT, PROMOTION, SEPARATION, AND MANDATORY RETIREMENT

Sec. 201. Repeal of sections providing for temporary appointments in grades of general and lieutenant general.
Sec. 202. Repeal of sections relating to the authorized strength of the Army and of the Air Force.
Sec. 203. Authorized strength in grade for general officers.
Sec. 204. Repeal of sections relating to appointments of commissioned officers in the Regular Army and in the Regular Air Force.
Sec. 205. Service credit upon original appointment of reserve commissioned officers.
Sec. 206. Exclusion of reserve officers on the active-duty list from certain provisions relating to appointments of reserve officers.
Sec. 207. Repeal of sections relating to temporary appointments of commissioned officers.
Sec. 208. Repeal of sections relating to temporary appointments of warrant officers.
Sec. 209. Grade in which reserve officers are ordered to active duty.
Sec. 210. Retired regular members ordered to active duty.
Sec. 211. Repeal of sections relating to rank and command.
Sec. 212. Command by commissioned officers of the Army Medical Department and by commissioned officers of the Air Force in certain categories.
Sec. 213. Repeal of chapters providing for involuntary separation of regular officers for unsatisfactory performance of duty and for certain other reasons.
Sec. 214. Repeal of sections authorizing discharge of regular officers during three-year probationary period.
Sec. 215. Retention in an active status of certain reserve officers until age 60.
Sec. 216. Repeal of chapters relating to retirement for age of regular commissioned officers.
Sec. 217. Repeal of sections relating to retirement for length of service.
Sec. 218. Director of admissions of United States Military Academy; Registrar of the United States Air Force Academy.

PART B—MISCELLANEOUS AMENDMENTS

Sec. 231. Authority to establish new staff corps in the Army.
Sec. 232. Personnel detailed outside the Department of Defense to be counted in computing strengths.
Sec. 233. Officers serving as Chief of Staff to the President.
Sec. 234. Grade of the Special Assistant to Comptroller of the Department of Defense.
Sec. 235. Rank, pay, and allowances of Assistant to the Chief of Engineers.
Sec. 236. Repeal of sections authorizing termination of appointment or enlistment of regular female members.
Sec. 237. Repeal of prohibition on women being enlisted as aviation cadets in the Regular Air Force.

TITLE III—AMENDMENTS TO SUBTITLE C OF TITLE 10, UNITED STATES CODE—THE NAVY AND MARINE CORPS

PART A—PERMANENT GRADE OF COMMODORE ADMIRAL IN THE NAVY

Sec. 301. Establishment of permanent commodore admiral grade.
Sec. 302. Number of Navy staff corps officers serving in grades of commodore admiral and rear admiral.

PART B—AMENDMENTS RELATING TO OFFICER STRENGTH AND DISTRIBUTION IN GRADE

Sec. 311. Repeal of sections relating to the strength of the Navy and Marine Corps.
Sec. 312. Personnel detailed outside the Department of Defense to be counted in computing strength.
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Sec. 324. Original appointments in the Regular Navy of officers designated for engineering, aeronautical, and special duty.
Sec. 325. Original appointments of regular officers designated for limited duty.
Sec. 326. Temporary appointments in warrant officer grades and of officers designated for limited duty.
Sec. 327. Repeal of sections authorizing temporary appointments of Navy and Marine Corps officers.
Sec. 328. Service credit upon original appointment of reserve commissioned officers.
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Sec. 351. Authority to establish new staff corps in the Navy.
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Sec. 372. Repeal of limitation on assignment of Regular Navy officers to shore duty.
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Sec. 412. Elimination of differences of treatment in provision of initial uniform allowance to officers.
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Sec. 502. Amendments to subtitle B of title 10, United States Code.
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Sec. 507. Amendments to other laws.

PART B—AMENDMENTS TO MAKE TECHNICAL CORRECTIONS IN TITLES 10, 32, AND 37 OF THE UNITED STATES CODE OTHER THAN CORRECTIONS REQUIRED BY THIS ACT

Sec. 511. Amendments to subtitle A of title 10, United States Code.
Sec. 512. Amendments to subtitle B of title 10, United States Code.
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Sec. 514. Amendments to subtitle D of title 10, United States Code.
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Sec. 626. Miscellaneous provisions relating to years of service.
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Sec. 628. Right of commissioned officers with permanent enlisted or warrant officer status to retire in highest enlisted or warrant officer grade held.
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Sec. 641. Preservation of entitlement for reserve medical officers.
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TITLE VII—EFFECTIVE DATES AND GENERAL SAVINGS PROVISIONS

Sec. 701. Effective dates.
Sec. 702. Preservation of suspended status of law in suspended status on effective date.
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REFERENCES TO TITLE 10, UNITED STATES CODE

SEC. 2. Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 10, United States Code.

TITLE I—AMENDMENTS TO SUBTITLE A OF TITLE 10, UNITED STATES CODE—GENERAL MILITARY LAW

DEFINITIONS

SEC. 101. Section 101, relating to definitions, is amended by adding at the end thereof the following new paragraphs:

10 USC 101.

"(37) 'Active-duty list' means a single list for the Army, Navy, Air Force, or Marine Corps (required to be maintained under section 620 of this title) which contains the names of all officers of that armed force, other than officers described in section 641 of this title, who are serving on active duty.

Post, p. 2855.
Post, p. 2866.

"(38) 'Medical officer' means an officer of the Medical Corps of the Army, an officer of the Medical Corps of the Navy, or an officer in the Air Force designated as a medical officer.

"(39) 'Dental officer' means an officer of the Dental Corps of the Army, an officer of the Dental Corps of the Navy, or an officer of the Air Force designated as a dental officer.

"(40) 'General officer' means an officer of the Army, Air Force, or Marine Corps serving in or having the grade of general, lieutenant general, major general, or brigadier general.

"(41) 'Flag officer' means an officer of the Navy serving in or having the grade of admiral, vice admiral, rear admiral, or commodore admiral.".

EXCLUSION OF CERTAIN PERSONNEL FROM ANNUAL END-STRENGTHS; ANNUAL REPORT ON ESTIMATED OFFICER PERSONNEL REQUIREMENTS FOR NEXT FIVE YEARS

10 USC 138.

SEC. 102. (a) Paragraph (1) of section 138(c), relating to the authorization of active-duty and civilian personnel, is amended—

(1) by inserting "(A)" after "(1)"; and

(2) by adding at the end thereof the following new subparagraphs:

"(B) In counting active-duty personnel for the purpose of the end-strengths authorized pursuant to subparagraph (A), persons in the following categories shall be excluded:

"(i) Members of the Ready Reserve ordered to active duty under section 673 of this title.

"(ii) Members of the Selected Reserve of the Ready Reserve ordered to active duty under section 673b of this title.

"(iii) Members of the National Guard called into Federal service under section 3500 or 8500 of this title.

"(iv) Members of the militia called into Federal service under chapter 15 of this title.

"(v) Members of reserve components on active duty for training for 180 days or less.

"(vi) Members of reserve components on active duty for 180 days or less to perform special work.

"(C) The authorized strength of the Navy is increased by the authorized strength of the Coast Guard during any period when the Coast Guard is operating as a service in the Navy.".

(b) Subparagraph (D) of paragraph (3) of such section is amended to read as follows:

"(D) The Secretary of Defense shall also include in such report with respect to each armed force under the jurisdiction of the Secretary of a military department—

"(i) the number of positions that require warrant officers or commissioned officers serving on active duty in each of the officer grades during the current fiscal year and the estimated number of such positions for each of the next five fiscal years;

"(ii) the estimated number of officers that will be serving on active duty in each grade on the last day of the current fiscal year and the estimated numbers of officers that will be needed on active duty on the last day of each of the next five fiscal years;

"(iii) an estimate and analysis for the current fiscal year and for each of the next five fiscal years of gains to and losses from the number of members on active duty in each officer grade, including a tabulation of—

"(I) retirements displayed by year of active commissioned service and active military service;

"(II) discharges;

"(III) other separations;

"(IV) deaths;

"(V) promotions; and

"(VI) reserve and regular officers ordered to active duty; and

"(iv) an analysis of the distribution of each of the following categories of officers serving on active duty on the last day of the preceding fiscal year by grade in which serving and years of active commissioned service:

"(I) Regular officers.

"(II) Reserve officers on the active-duty list.

"(III) Reserve officers described in clauses (B) and (C) of section 523(b)(1) of this title. *Post*, p. 2842.

"(IV) Officers other than those specified in subclauses (I), (II), and (III) serving in a temporary grade.".

OFFICER STRENGTH AND DISTRIBUTION IN GRADE

SEC. 103. Part II of subtitle A is amended by inserting after chapter 31 the following new chapter:

"CHAPTER 32—OFFICER STRENGTH AND DISTRIBUTION IN GRADE

"Sec.
"521. Authority to prescribe total strengths of officers on active duty and officer strengths in various categories.
"522. Authorized total strengths: regular commissioned officers on active duty.
"523. Authorized strengths: commissioned officers on active duty in grades of major, lieutenant colonel, and colonel and Navy grades of lieutenant commander, commander, and captain.
"524. Authorized strengths: reserve officers on active duty for administration of the reserves in grades of major, lieutenant colonel, and colonel and Navy grades of lieutenant commander, commander, and captain.
"525. Distribution of commissioned officers on active duty in general officer and flag officer grades.
"526. Authority to suspend sections 523, 524, and 525.

"§ 521. Authority to prescribe total strengths of officers on active duty and officer strengths in various categories

10 USC 521.

"(a) Whenever the needs of the services require, but at least once each fiscal year, the Secretary of Defense shall prescribe the total authorized active-duty strength as of the end of the fiscal year for officers in grades above warrant officer (W-4) for each of the armed forces under the jurisdiction of the Secretary of a military department.

"(b) Under regulations prescribed by the Secretary of Defense, the Secretary of each military department may, for an armed force under his jurisdiction, prescribe the strength of any category of officers that may serve on active duty.

"§ 522. Authorized total strengths: regular commissioned officers on active duty

"The authorized strengths of the Army, Navy, Air Force, and Marine Corps in regular officers (other than retired officers) in grades above chief warrant officer (W-4) are as follows:

"Army	63,000
"Navy	48,000
"Air Force	69,425
"Marine Corps	13,000

10 USC 523.

"§ 523. Authorized strengths: commissioned officers on active duty in grades of major, lieutenant colonel, and colonel and Navy grades of lieutenant commander, commander, and captain

"(a)(1) Except as provided in subsection (c), of the total number of commissioned officers serving on active duty in the Army, Air Force, or Marine Corps at the end of any fiscal year (excluding officers in categories specified in subsection (b)), the number of officers who may be serving on active duty in each of the grades of major, lieutenant colonel, and colonel may not, as of the end of such fiscal year, exceed a number determined in accordance with the following table:

"Total number of commissioned officers (excluding officers in categories specified in subsection (b)) on active duty.	Number of officers who may be serving on active duty in the grade of:		
	Major	Lieutenant colonel	Colonel
Army:			
60,000	11,580	7,941	3,080
65,000	12,271	8,330	3,264
70,000	12,963	8,718	3,447
75,000	13,654	9,107	3,631
80,000	14,346	9,495	3,814
85,000	15,037	9,884	3,997
90,000	15,729	10,272	4,181
95,000	16,420	10,661	4,364
100,000	17,112	11,049	4,548
110,000	18,495	11,826	4,915
120,000	19,878	12,603	5,281
130,000	21,261	13,380	5,648
170,000	26,793	16,488	7,116
Air Force:			
70,000	13,530	9,428	3,642
75,000	14,266	9,801	3,823
80,000	15,002	10,175	4,004
85,000	15,738	10,549	4,185
90,000	16,474	10,923	4,365
95,000	17,210	11,297	4,546
100,000	17,946	11,671	4,727
105,000	18,682	12,045	4,908
110,000	19,418	12,418	5,088
115,000	20,154	12,792	5,269
120,000	20,890	13,165	5,450
125,000	21,626	13,539	5,631
Marine Corps:			
12,500	2,499	1,388	592
15,000	2,717	1,483	613
17,500	2,936	1,579	633
20,000	3,154	1,674	654
22,500	3,373	1,770	675
25,000	3,591	1,865	695

"(2) Except as provided in subsection (c), of the total number of commissioned officers serving on active duty in the Navy at the end of any fiscal year (excluding officers in categories specified in subsection (b)), the number of officers who may be serving on active duty in each of the grades of lieutenant commander, commander, and captain may not, as of the end of such fiscal year, exceed a number determined in accordance with the following table:

"Total number of commissioned officers (excluding officers in categories specified in subsection (b)) on active duty:	Number of officers who may be serving on active duty in grade of:		
	Lieutenant commander	Commander	Captain
Navy:			
45,000	9,124	5,776	2,501
48,000	9,565	5,984	2,602
51,000	10,006	6,190	2,702
54,000	10,447	6,398	2,803
57,000	10,888	6,606	2,904
60,000	11,329	6,813	3,005
63,000	11,770	7,020	3,106
66,000	12,211	7,227	3,206
70,000	12,799	7,504	3,341
90,000	15,739	8,886	4,013

"(3) If the total number of commissioned officers serving on active duty in an armed force (excluding officers in categories specified in subsection (b)) is between any two consecutive figures listed in the first column of the appropriate table in paragraph (1) or (2), the corresponding authorized strengths for each of the grades shown in that table for that armed force are determined by mathematical interpolation between the respective numbers of the two strengths. If the total number of commissioned officers serving on active duty in an armed force (excluding officers in categories specified in subsection (b)) is greater or less than the figures listed in the first column of the appropriate table in paragraph (1) or (2), the Secretary concerned shall fix the corresponding strengths for the grades shown in that table in the same proportion as reflected in the nearest limit shown in the table.

"(b) Officers in the following categories shall be excluded in computing and determining authorized strengths under this section: Exclusions.

"(1) Reserve officers—

"(A) on active duty for training;

"(B) on active duty under section 265, 3033, 3496, 5251, 5252, 8033, or 8496 of this title or under section 708 of title 32;

"(C) on active duty under section 672(d) of this title or section 502 or 503 of title 32 in connection with organizing, administering, recruiting, instructing, or training the reserve components;

"(D) on active duty to pursue special work; or

"(E) ordered to active duty under section 673b of this title. 10 USC 673b.

"(2) General and flag officers.

"(3) Medical officers.

"(4) Dental officers.

"(5) Warrant officers.

"(6) Retired officers on active duty under a call or order to active duty for 180 days or less.

"(7) Reserve or retired officers on active duty under section 10(b)(2) of the Military Selective Service Act (50 U.S.C. App. 460(b)(2)) for the administration of the Selective Service System.

"(c) Whenever the number of officers serving in any grade is less than the number authorized for that grade under this section, the difference between the two numbers may be applied to increase the number authorized under this section for any lower grade.

"(d) An officer may not be reduced in grade, or have his pay or allowances reduced, because of a reduction in the number of commissioned officers authorized for his grade under this section.

10 USC 524.

"§ 524. Authorized strengths: reserve officers on active duty for administration of the reserves in grades of major, lieutenant colonel, and colonel and Navy grades of lieutenant commander, commander, and captain

"(a) The number of reserve officers of the Army, Air Force, and Marine Corps who may be on active duty in each of the grades of major, lieutenant colonel, and colonel, and of the Navy who may be on active duty in each of the grades of lieutenant commander, commander, and captain, as of the end of any fiscal year for duty described in subclauses (B) and (C) of section 523(b)(1) of this title may not exceed the number for that grade and armed force in the following table:

"Grade	Army	Navy	Air Force	Marine Corps
Major or lieutenant commander	821	823	170	51
Lieutenant colonel or commander	503	425	183	35
Colonel or Navy captain	163	177	146	19

"(b) Whenever the number of officers serving in any grade is less than the number authorized for that grade under this section, the difference between the two numbers may be applied to increase the number authorized under this section for any lower grade.

"§ 525. Distribution of commissioned officers on active duty in general officer and flag officer grades

"(a) No appointment may be made in a grade above brigadier general in the Army, Air Force, or Marine Corps if that appointment would result in more than 50 percent of the general officers of that armed force on active duty being in grades above brigadier general. No appointment may be made in a grade above commodore admiral in the Navy if that appointment would result in more than 50 percent of the flag officers of the Navy on active duty being in grades above commodore admiral.

"(b)(1) No appointment may be made in a grade above major general in the Army, Air Force, or Marine Corps if that appointment would result in more than 15 percent of the general officers of that armed force on active duty being in grades above major general. In the case of the Army and Air Force, of the 15 percent of general officers on active duty who may be serving in grades above major general, not more than 25 percent may be serving in the grade of general.

"(2) No appointment may be made in a grade above rear admiral in the Navy if that appointment would result in more than 15 percent of the flag officers of the Navy on active duty being in grades above rear admiral. Of the 15 percent of flag officers on active duty who may be serving in grades above rear admiral, not more than 25 percent may be serving in the grade of admiral.

"(3) An officer while serving as Chairman of the Joint Chiefs of Staff or as Chief of Staff to the President, if serving in the grade of general or admiral, is in addition to the number authorized his armed force for that grade under paragraph (1) or (2).

Joint Chiefs of Staff, exception.

"§ 526. Authority to suspend sections 523, 524, and 525

War or national emergency.
10 USC 526.

"In time of war, or of national emergency declared by Congress or the President after November 30, 1980, the President may suspend the operation of any provision of section 523, 524, or 525 of this title. So long as such war or national emergency continues, any such suspension may be extended by the President. Any such suspension shall, if not sooner ended, end on the last day of the two-year period beginning on the date on which the suspension (or the last extension thereof) takes effect or on the last day of the one-year period beginning on the date of the termination of the war or national emergency, whichever occurs first. With respect to the end of any such suspension, the preceding sentence supersedes the provisions of title II of the National Emergencies Act (50 U.S.C. 1621-1622) which provide that powers or authorities exercised by reason of a national emergency shall cease to be exercised after the date of the termination of the emergency.".

ORIGINAL APPOINTMENTS IN REGULAR COMMISSIONED OFFICER GRADES

SEC. 104. (a) Chapter 33 is amended by striking out the table of sections at the beginning thereof and inserting in lieu thereof the following:

"Subchapter Sec.
"I. Original Appointments of Regular Officers in Grades above Warrant Officer Grades 531
"II. Appointments of Regular Warrant Officers 555

"SUBCHAPTER I—ORIGINAL APPOINTMENTS OF REGULAR OFFICERS IN GRADES ABOVE WARRANT OFFICER GRADES

"Sec.
"531. Original appointments of commissioned officers.
"532. Qualifications for original appointment as a commissioned officer.
"533. Service credit upon original appointment as a commissioned officer.
"541. Graduates of the United States Military, Naval, and Air Force Academies.

"§ 531. Original appointments of commissioned officers

"Original appointments in the grades of second lieutenant through colonel in the Regular Army, Regular Air Force, and Regular Marine Corps and in the grades of ensign through captain in the Regular Navy shall be made by the President, by and with the advice and consent of the Senate.

"§ 532. Qualifications for original appointment as commissioned officer

"(a) Under regulations prescribed by the Secretary of Defense, an original appointment as a commissioned officer (other than as a commissioned warrant officer) in the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps may be given only to a person who—

"(1) is a citizen of the United States;

"(2) is able to complete 20 years of active commissioned service before his fifty-fifth birthday;

"(3) is of good moral character;

"(4) is physically qualified for active service; and

"(5) has such other special qualifications as the Secretary of the military department concerned may prescribe by regulation.

Medical or dental officers.

"(b)(1) Original appointments in the Regular Army in the Medical Corps or Dental Corps, and original appointments in the Regular Air Force with a view to designation of an officer as a medical or dental officer, may be made in the grades of first lieutenant through colonel. Original appointments in the Regular Navy in the Medical Corps or Dental Corps may be made in the grades of lieutenant (junior grade) through captain. Such appointments may be made only from persons who are qualified doctors of medicine, osteopathy, or dentistry.

Doctors of osteopathy.

"(2) To be eligible for an original appointment as a medical officer, a doctor of osteopathy must—

"(A) be a graduate of a college of osteopathy whose graduates are eligible to be licensed to practice medicine or surgery in a majority of the States;

"(B) be licensed to practice medicine, surgery, or osteopathy in a State or in the District of Columbia;

"(C) under regulations prescribed by the Secretary of Defense, have completed a number of years of osteopathic and preosteopathic education equal to the number of years of medical and premedical education prescribed for persons entering recognized schools of medicine who become doctors of medicine and who would be qualified for an original appointment in the grade for which that person is being considered for appointment; and

"(D) have such other qualifications as the Secretary of the military department concerned prescribes after considering the recommendations, if any, of the Surgeon General of the armed force concerned.

Limited duty.

"(c) Original appointments in the Regular Navy or Regular Marine Corps of officers designated for limited duty shall be made under section 5589 or 5596 of this title.

Post, pp. 2893, 2894.

"(d) A person receiving an original appointment as a medical officer or dental officer or as a chaplain is not subject to clause (2) of subsection (a).

10 USC 533.

"§ 533. Service credit upon original appointment as a commissioned officer

"(a)(1) For the purpose of determining the grade and rank within grade of a person receiving an original appointment in a commissioned grade (other than a warrant officer grade) in the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps, such person shall be credited at the time of such appointment with any active commissioned service (other than service as a commissioned warrant officer) that he performed in any armed force before such appointment.

Regulations.

"(2) The Secretary of Defense shall prescribe regulations, which shall apply uniformly among the Army, Navy, Air Force, and Marine Corps, to authorize the Secretary of the military department concerned to limit the amount of prior active commissioned service with which a person receiving an original appointment may be credited under paragraph (1), or to deny any such credit, in the case of a person who at the time of such appointment is credited with constructive service under subsection (b).

"(b)(1) Under regulations prescribed by the Secretary of Defense, the Secretary of the military department concerned shall credit a person who is receiving an original appointment in a commissioned grade (other than a commissioned warrant officer grade) in the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps and who has advanced education or training or special experience with constructive service for such education, training, or experience as follows:

"(A) One year for each year of advanced education beyond the baccalaureate degree level, for persons appointed in officer categories requiring such advanced education or an advanced degree as a prerequisite for appointment as a commissioned officer. (Except as provided in clause (E), in determining the years of constructive service under this clause, the Secretary concerned shall grant credit for only the number of years normally required to complete the advanced education or receive the advanced degree.)

"(B) Credit for any period of advanced education in a health profession (other than medicine and dentistry) beyond the baccalaureate degree level which exceeds the basic education criteria for appointment as an officer, if such advanced education will be directly used by the armed force concerned.

"(C) Additional credit of (i) not more than one year for internship or equivalent graduate medical, dental, or other formal professional training required by the armed forces, and (ii) not more than one year for each additional year of such graduate-level training or experience creditable toward certification in a specialty required by the armed forces.

"(D) Additional credit, in unusual cases, based on special experience in a particular field.

"(E) Additional credit of one year for advanced education in a health profession if the number of years of baccalaureate education completed by 75 percent or more of the students entering advanced training in that health profession exceeds, by one or more, the minimum number of years of preprofessional education required by a majority of institutions which award degrees in that health profession. The percentage of such persons shall be computed on an annual basis for each health profession from the data for the year in which the person being appointed was admitted to a professional school. However, a person may not receive additional credit under this clause if the amount of his baccalaureate education does not exceed, by one or more, the minimum number of years of preprofessional education required by a majority of institutions which award degrees for that health profession, determined on the basis prescribed in the preceding sentence.

"(F) Additional credit for experience as a physician or dentist, if appointed as a medical or dental officer in the Army or Navy or, in the case of the Air Force, with a view to designation as a medical or dental officer.

Limitation.

"(2) Except as authorized by the Secretary concerned in individual cases and under regulations prescribed by the Secretary of Defense in the case of a medical or dental officer, the amount of constructive service credited an officer under this subsection may not exceed the amount required in order for the officer to be eligible for an original appointment in the grade of major in the Army, Air Force, or Marine Corps or lieutenant commander in the Navy.

"(3) Constructive service credited an officer under this subsection is in addition to any service credited that officer under subsection (a) and shall be credited at the time of the original appointment of the officer.

"(c) Constructive service credited an officer under subsection (b) shall be used only for determining the officer's—

"(1) initial grade as a regular officer;

"(2) rank in grade; and

"(3) service in grade for promotion eligibility.

"(d)(1) Constructive service may not be credited under subsection (b) for education, training, or experience obtained while serving as a commissioned officer (other than a warrant officer) on active duty or in an active status.

"(2) A graduate of the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy is not entitled to service credit under this section for service performed, or education, training, or experience obtained, before graduation from such Academy.

Judge advocates.

"(e) If the Secretary of Defense determines that the number of qualified judge advocates serving on active duty in the Army, Navy, Air Force, or Marine Corps in grades below major or lieutenant commander is critically below the number needed by such armed force in such grades, he may authorize the Secretary of the military department concerned to credit any person receiving an original appointment in the Judge Advocate General's Corps of the Army or Navy, or any person receiving an original appointment in the Air Force or Marine Corps with a view to designation as a judge advocate, with a period of constructive service in such an amount (in addition to any period of service credited such person under subsection (b)(1)) as will result in the grade of such person being that of captain or, in the case of an officer of the Navy, lieutenant and the date of rank of such person being junior to that of all other officers of the same grade serving on active duty.

"(f) An officer of a reserve component who receives an original appointment as an officer (other than a warrant officer) in the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps shall be appointed in the grade and with the date of rank to which he would have been entitled had he been serving on active duty as an officer of a reserve component on the date of such original appointment as a regular officer.".

(b) Such chapter is further amended by inserting after section 541 the following:

"SUBCHAPTER II—APPOINTMENTS OF REGULAR WARRANT OFFICERS

"Sec.
"555. Warrant officers: grades.
"556. Warrant officers: original appointment; service credit.
"557. Warrant officers: promotion; qualifications.
"558. Warrant officers: promotion; selection boards.
"559. Warrant officers: eligibility for promotion.
"560. Warrant officers: promotion; selection procedure.
"561. Warrant officers: effect of failure of selection for promotion.
"562. Warrant officers: disapproval of promotion by Secretary concerned, President, or Senate.
"563. Warrant officers: promotion; effective date.
"564. Warrant officers: effect of second failure of promotion.
"565. Warrant officers: suspension of laws for promotion or mandatory retirement or separation during war or emergency.".

TEMPORARY APPOINTMENTS IN OFFICER GRADES AND PROMOTION, SEPARATION, AND INVOLUNTARY RETIREMENT OF OFFICERS ON THE ACTIVE-DUTY LIST

10 USC prec. 591.

SEC. 105. Part II of subtitle A is amended by redesignating chapter 35 as chapter 34 and by inserting after such chapter the following new chapters:

"CHAPTER 35—TEMPORARY APPOINTMENTS IN OFFICER GRADES

"Sec.

"601. Positions of importance and responsibility: generals and lieutenant generals; admirals and vice admirals.
"602. Warrant officers: temporary promotions.
"603. Commissioned officer grades: time of war or national emergency.

"§ 601. Positions of importance and responsibility: generals and lieutenant generals; admirals and vice admirals

10 USC 601.

"(a) The President may designate positions of importance and responsibility to carry the grade of general or admiral or lieutenant general or vice admiral. The President may assign to any such position an officer of the Army, Navy, Air Force, or Marine Corps who is serving on active duty in any grade above colonel or, in the case of an officer of the Navy, any grade above captain. An officer assigned to any such position has the grade specified for that position if he is appointed to that grade by the President, by and with the advice and consent of the Senate. Except as provided in subsection (b), the appointment of an officer to a grade under this section for service in a position of importance and responsibility ends on the date of the termination of the assignment of the officer to that position.

"(b) If the assignment of an officer who is serving in a position designated to carry the grade of general, admiral, lieutenant general, or vice admiral is terminated—

"(1) by the assignment of such officer to another position designated to carry one of those grades, such officer shall hold, during the period beginning on the day of that termination and ending on the day before the day on which he assumes the other position, the grade that he held on the day before the termination;

Hospitalization.

"(2) by the hospitalization of such officer, such officer shall hold, during the period beginning on the day of that termination and ending on the day he is discharged from the hospital, but not for more than 180 days, the grade that he held on the day before the termination; or

Retirement.

"(3) by the retirement of such officer, such officer shall hold, during the period beginning on the day of that termination and ending on the day before his retirement, but not for more than 90 days, the grade that he held on the day before the termination.

"(c)(1) An appointment of an officer under subsection (a) does not vacate the permanent grade held by the officer.

Promotion.

"(2) An officer serving in a grade above major general or rear admiral who holds the permanent grade of brigadier general or commodore admiral shall be considered for promotion to the permanent grade of major general or rear admiral, as appropriate, as if he were serving in his permanent grade.

"§ 602. Warrant officers: temporary promotions

"A warrant officer serving on active duty in the Army, Navy, Air Force, or Marine Corps may be given a temporary appointment to a higher warrant officer grade under such regulations as the Secretary of the military department concerned may prescribe.

Presidential appointment.
10 USC 603.

"§ 603. Commissioned officer grades: time of war or national emergency

"(a) In time of war, or of national emergency declared by the Congress or the President after November 30, 1980, the President may appoint any qualified person (whether or not already a member of the armed forces) to any commissioned officer grade in the Army, Navy, Air Force, or Marine Corps, except that appointments under this section may not be made in warrant officer grades or in grades above major general or rear admiral. Appointments under this section shall be made by the President alone.

Temporary appointment.

"(b) Any appointment under this section is a temporary appointment and may be vacated by the President at any time.

Service credit.

Ante, p. 2846.

"(c)(1) Any person receiving an original appointment under this section is entitled to service credit as authorized under section 533 of this title.

"(2) An appointment under this section of a person who is not on active duty becomes effective when that person begins active duty under that appointment.

"(d) An appointment under this section does not change the permanent status of a member of the armed forces so appointed. A member who is appointed under this section shall not incur any reduction in the pay and allowances to which the member was entitled, by virtue of his permanent status, at the time of his appointment under this section.

"(e)(1) An officer who receives an appointment to a higher grade under this section is considered to have accepted such appointment on the date of the order announcing the appointment unless he expressly declines the appointment.

Oath.

"(2) An officer who has served continuously since he subscribed to the oath of office prescribed in section 3331 of title 5 is not required to take a new oath upon appointment to a higher grade under this section.

Termination.

"(f) Unless sooner terminated, an appointment under this section terminates—

"(1) on the second anniversary of the appointment;

"(2) at the end of the six-month period beginning on the last day of the war or national emergency during which the appointment was made; or

"(3) on the date the person appointed is released from active duty;

whichever is earliest.

"CHAPTER 36—PROMOTION, SEPARATION, AND INVOLUNTARY RETIREMENT OF OFFICERS ON THE ACTIVE-DUTY LIST

"Subchapter Sec.
"I. Selection Boards 611
"II. Promotions 619
"III. Failure of Selection for Promotion and Retirement for Years of Service 627
"IV. Continuation on Active Duty and Selective Early Retirement 637
"V. Additional Provisions Relating to Promotion, Separation, and Retirement 641

"SUBCHAPTER I—SELECTION BOARDS

"Sec.
"611. Convening of selection boards.
"612. Composition of selection boards.
"613. Oath of members of selection boards.
"614. Notice of convening of selection boards; communications with boards.
"615. Information furnished to selection boards.
"616. Recommendations for promotion by selection boards.
"617. Reports of selection boards.
"618. Action on reports of selection boards.

"§ 611. Convening of selection boards

10 USC 611.

"(a) Under regulations prescribed by the Secretary of Defense, the Secretary of the military department concerned, whenever the needs of the service require, shall convene selection boards to recommend for promotion to the next higher permanent grade, under subchapter II of this chapter, officers on the active-duty list in each permanent grade from first lieutenant through brigadier general in the Army, Air Force, or Marine Corps and from lieutenant (junior grade) through commodore admiral in the Navy.

Post, p. 2854.

"(b) Under regulations prescribed by the Secretary of Defense, the Secretary of the military department concerned, whenever the needs of the service require, may convene selection boards to recommend officers for continuation on active duty under section 637 of this title or for early retirement under section 638 of this title.

Post, p. 2863.
Post, p. 2864.

"§ 612. Composition of selection boards

"(a)(1) Members of selection boards shall be appointed by the Secretary of the military department concerned in accordance with this section. A selection board shall consist of five or more officers who are on the active-duty list of the same armed force as the officers under consideration by the board. Each member of a selection board must be serving in a grade higher than the grade of the officers under consideration by the board, except that no member of a board may be serving in a grade below major or lieutenant commander.

"(2) A selection board shall include at least one officer from each competitive category of officers to be considered by the board.

Reserve officers.

"(3) When reserve officers of an armed force are to be considered by a selection board, the membership of the board shall include at least one reserve officer of that armed force, except that in the case of a board which is considering officers in the grade of colonel or brigadier general or, in the case of officers of the Navy, captain or commodore admiral, no reserve officer need be included if there are no reserve officers of that armed force on active duty in the next higher grade.

Retired officers.

"(4) Except as provided in paragraph (3), if qualified officers on the active-duty list are not available in sufficient numbers to comprise a selection board, the Secretary of the military department concerned shall complete the membership of the board by appointing as members of the board retired officers of the same armed force who hold a retired grade higher than the grade of the officers under consideration by the board. A retired general or flag officer who is on active duty for the purpose of serving on a selection board shall not, while so serving, be counted against any limitation on the number of general and flag officers who may be on active duty.

"(b) No officer may be a member of two successive selection boards for the consideration of officers of the same competitive category and grade.

"§ 613. Oath of members of selection boards

"Each member of a selection board shall swear that he will perform his duties as a member of the board without prejudice or partiality and having in view both the special fitness of officers and the efficiency of his armed force.

10 USC 614.

"§ 614. Notice of convening of selection boards; communications with boards

"(a) At least 30 days before a selection board is convened under section 611(a) of this title to recommend officers in a grade for promotion to the next higher grade, the Secretary concerned (1) shall notify in writing the officers eligible for consideration for promotion of the date on which the board is to convene and the name and date of rank of the junior officer, and of the senior officer, in the promotion zone as of the date of the notification, or (2) shall issue a general written notice to the armed force concerned regarding the convening of the board, the names of the officers eligible for consideration by the board as of the date of the notification, the convening date of the board, and the name and date of rank of the junior officer, and of the senior officer, in the promotion zone as of the date of the notification.

"(b) An officer eligible for consideration by a selection board convened under section 611(a) of this title may send a written communication to the board, to arrive not later than the date the board convenes, calling attention to any matter concerning himself that the officer considers important to his case. The selection board shall give consideration to any timely communication under this subsection.

"§ 615. Information furnished to selection boards

"The Secretary of the military department concerned shall furnish each selection board convened under section 611(a) of this title with—

"(1) the maximum number, as determined in accordance with section 622 of this title, of officers in each competitive category under consideration that the board may recommend for promotion to the next higher grade; *Post*, p. 2856.

"(2) the names of all officers in each competitive category to be considered by the board for promotion;

"(3) the pertinent records (as determined by the Secretary) of each officer whose name is furnished to the board;

"(4) information relating to the needs of the armed force concerned for officers having particular skills; and

"(5) such other information and guidelines as may be necessary to enable the board to properly perform its functions.

"§ 616. Recommendations for promotion by selection boards

"(a) A selection board convened under section 611(a) of this title shall recommend for promotion to the next higher grade those officers considered by the board whom the board, giving due consideration to the needs of the armed force concerned for officers with particular skills, considers best qualified for promotion within each competitive category considered by the board.

Number of officers.

"(b) The Secretary of the military department concerned shall establish the number of officers such a selection board may recommend for promotion from among officers being considered from below the promotion zone in any competitive category. Such number may not exceed the number equal to 10 percent of the maximum number of officers that the board is authorized to recommend for promotion in such competitive category, except that the Secretary of Defense may authorize a greater number, not to exceed 15 percent of the total number of officers that the board is authorized to recommend for promotion, if the Secretary of Defense determines that the needs of the service so require. If the number determined under this subsection is less than one, the board may recommend one such officer. The number of officers recommended for promotion from below the promotion zone does not increase the maximum number of officers which the board is authorized under section 615 of this title to recommend for promotion.

"(c) A selection board convened under section 611(a) of this title may not recommend an officer for promotion unless—

"(1) the officer receives the recommendation of a majority of the members of the board; and

"(2) a majority of the members of the board finds that the officer is fully qualified for promotion.

"(d) Except as otherwise provided by law, an officer on the active-duty list may not be promoted to a higher grade under this chapter unless he is considered and recommended for promotion to that grade by a selection board convened under this chapter.

"§617. Reports of selection boards

10 USC 617.

Submittal to Secretary.

"(a) Each selection board convened under section 611(a) of this title shall submit to the Secretary of the military department concerned a written report, signed by each member of the board, containing a list of the names of the officers it recommends for promotion and certifying (1) that the board has carefully considered the record of each officer whose name was furnished to it under section 615 of this title, and (2) that, in the opinion of a majority of the members of the board, the officers recommended for promotion by the board are best qualified for promotion to meet the needs of the armed force concerned among those officers whose names were furnished to the selection board.

Active-duty retention.

Post, p. 2872.

"(b) A selection board convened under section 611(a) of this title shall include in its report to the Secretary concerned the name of any regular officer before it for consideration for promotion whose record, in the opinion of a majority of the members of the board, indicates that the officer should be required under chapter 60 of this title to show cause for his retention on active duty.

"§618. Action on reports of selection boards

"(a) If, after reviewing the report of a selection board submitted to him under section 617(a) of this title, the Secretary of the military department concerned determines that the board has acted contrary to law or regulation, the Secretary shall return the report to the board for further proceedings. Upon receipt of a report returned by the Secretary concerned under this subsection, the selection board (or a subsequent selection board convened under section 611(a) of this title for the same grade and competitive category) shall conduct such proceedings as may be necessary in order to revise the report and shall resubmit the report, as revised, to the Secretary in accordance with section 617 of this title.

Submittal to Defense Secretary; transmittal to President.

"(b)(1) After his final review of the report of a selection board, the Secretary concerned shall submit the report, with his recommendations thereon, to the Secretary of Defense for transmittal to the President for his approval, modification, or disapproval.

Active-duty retention.

Post, p. 2872.

"(2) The Secretary concerned may submit to a board of officers convened under section 1181 of this title the name of any officer who is named in the report of a selection board as having a record which indicates that the officer should be required to show cause for his retention on active duty.

"(c) The name of an officer recommended for promotion by a selection board may be removed from the report of the selection board only by the President.

"(d) Upon approval by the President of the report of a selection board, the names of the officers recommended for promotion by the selection board (other than any name removed by the President) may be disseminated to the armed force concerned. If such names have not been sooner disseminated, such names (other than the name of any officer whose promotion the Senate failed to confirm) shall be promptly disseminated to the armed force concerned upon confirmation by the Senate.

Proceedings, disclosure.

"(e) Except as authorized or required by this section, proceedings of a selection board convened under section 611(a) of this title may not be disclosed to any person not a member of the board.

"SUBCHAPTER II—PROMOTIONS

"Sec.
"619. Eligibility for consideration for promotion.
"620. Active-duty lists.
"621. Competitive categories for promotion.
"622. Numbers to be recommended for promotion.
"623. Establishment of promotion zones.
"624. Promotions: how made.
"625. Authority to vacate promotions to grades of brigadier general and commodore admiral.
"626. Acceptance of promotions; oath of office.

In-grade service period.
10 USC 619.

"§ 619. Eligibility for consideration for promotion

"(a)(1) An officer who is on the active-duty list of the Army, Air Force, or Marine Corps and holds a permanent appointment in the grade of second lieutenant or first lieutenant or is on the active-duty list of the Navy and holds a permanent appointment in the grade of ensign or lieutenant (junior grade) may not be promoted to the next higher permanent grade until he has completed the following period of service in the grade in which he holds a permanent appointment:

"(A) Eighteen months, in the case of an officer holding a permanent appointment in the grade of second lieutenant or ensign.

"(B) Two years, in the case of an officer holding a permanent appointment in the grade of first lieutenant or lieutenant (junior grade).

"(2) Subject to paragraph (4), an officer who is on the active-duty list of the Army, Air Force, or Marine Corps and holds a permanent appointment in a grade above first lieutenant or is on the active-duty list of the Navy and holds a permanent appointment in a grade above lieutenant (junior grade) may not be considered for selection for promotion to the next higher permanent grade until he has completed the following period of service in the grade in which he holds a permanent appointment:

"(A) Three years, in the case of an officer of the Army, Air Force, or Marine Corps holding a permanent appointment in the grade of captain, major, or lieutenant colonel or of an officer of the Navy holding a permanent appointment in the grade of lieutenant, lieutenant commander, or commander.

"(B) One year, in the case of an officer of the Army, Air Force, or Marine Corps holding a permanent appointment in the grade of colonel or brigadier general or of an officer of the Navy holding a permanent appointment in the grade of captain or commodore admiral.

"(3) When the needs of the service require, the Secretary of the military department concerned may prescribe a longer period of service in grade for eligibility for promotion, in the case of officers to whom paragraph (1) applies, or for eligibility for consideration for promotion, in the case of officers to whom paragraph (2) applies.

Waiver.

"(4) The Secretary of the military department concerned may waive paragraph (2) to the extent necessary to assure that officers described in clause (A) of such paragraph have at least two opportunities for consideration for promotion to the next higher grade as officers below the promotion zone.

"(5) In computing service in grade for purposes of this section, service in a grade held as a result of assignment to a position is counted as service in the grade in which the officer would have served except for such assignment or appointment.

Continued eligibility.

"(b) An officer who has failed of selection for promotion to the next higher grade remains eligible for consideration for promotion to that grade as long as he continues on active duty in other than a retired status and is not promoted.

"(c)(1) Each time a selection board is convened under section 611(a) of this title for consideration of officers in a competitive category for promotion to the next higher grade, each officer in the promotion zone (except as provided under paragraph (2)), and each officer above the promotion zone, for the grade and competitive category under consideration shall be considered for promotion.

"(2) The Secretary of the military department concerned—

"(A) may, by regulation, prescribe procedures to limit the officers to be considered by a selection board—

"(i) from below the promotion zone; or

"(ii) in the case of a selection board to recommend officers for promotion to the grade of brigadier general or commodore admiral,

to those officers who are determined to be exceptionally well qualified for promotion; and

"(B) may, by regulation, prescribe criteria for determining which officers below the promotion zone or in the grades of colonel and, in the case of officers of the Navy, captain are exceptionally well qualified for promotion.

Exceptions.

"(d) A selection board convened under section 611(a) of this title may not consider for promotion to the next higher grade—

"(1) an officer whose name is on a promotion list for that grade as a result of his selection for promotion to that grade by an earlier selection board convened under that section; or

"(2) an officer of the Navy or Marine Corps who is an officer designated for limited duty and who holds a grade above lieutenant commander or major.

"§ 620. Active-duty lists

10 USC 620.

"(a) The Secretary of the military department concerned shall maintain a single list of all officers (other than officers described in section 641 of this title) who are on active duty for each armed force under his jurisdiction (other than the Coast Guard when it is operating as a service in the Navy).

Post, p. 2866.

"(b) Officers shall be carried on the active-duty list of the armed force of which they are members in the order of seniority of the grade in which they are serving on active duty. Officers serving in the same grade shall be carried in the order of their rank in that grade.

"(c) An officer whose position on the active-duty list results from service under a temporary appointment or in a grade held by reason of assignment to a position has, when that appointment or assignment ends, the grade and position on the active-duty list that he would have held if he had not received that appointment or assignment.

10 USC 621.

"§ 621. Competitive categories for promotion

"Under regulations prescribed by the Secretary of Defense, the Secretary of each military department shall establish competitive categories for promotion. Each officer whose name appears on an active-duty list shall be carried in a competitive category of officers. Officers in the same competitive category shall compete among themselves for promotion.

"§ 622. Numbers to be recommended for promotion

"Before convening a selection board under section 611(a) of this title for any grade and competitive category, the Secretary of the military department concerned, under regulations prescribed by the Secretary of Defense, shall determine (1) the number of positions needed to accomplish mission objectives which require officers of such competitive category in the grade to which the board will recommend officers for promotion, (2) the estimated number of officers needed to fill vacancies in such positions during the period in which it is anticipated that officers selected for promotion will be promoted, and (3) the number of officers authorized by the Secretary of the military department concerned to serve on active duty in the grade and competitive category under consideration. Based on such determinations, the Secretary of the military department concerned shall determine the maximum number of officers in such competitive category which the selection board may recommend for promotion.

"§ 623. Establishment of promotion zones

"(a) Before convening a selection board under section 611(a) of this title to consider officers for promotion to any grade above first lieutenant or lieutenant (junior grade), the Secretary of the military department concerned shall establish a promotion zone for officers serving in each grade and competitive category to be considered by the board.

"(b) The Secretary concerned shall determine the number of officers in the promotion zone for officers serving in any grade and competitive category from among officers who are eligible for promotion in that grade and competitive category. Such determination shall be made on the basis of an estimate of—

Estimate.

"(1) the number of officers needed in that competitive category in the next higher grade in each of the next five years;

"(2) the number of officers to be serving in that competitive category in the next higher grade in each of the next five years;

"(3) in the case of a promotion zone for officers to be promoted to a grade to which section 523 of this title is applicable, the number of officers authorized for such grade under such section to be on active duty on the last day of each of the next five fiscal years; and

Ante, p. 2842.

"(4) the number of officers that should be placed in that promotion zone in each of the next five years to provide to officers in those years relatively similar opportunity for promotion.

"§ 624. Promotions: how made

10 USC 624.

"(a)(1) When the report of a selection board convened under section 611(a) of this title is approved by the President, or in the case of officers selected for promotion to the grade of first lieutenant or lieutenant (junior grade), when a list of officers selected for promotion is approved by the President, the Secretary of the military department concerned shall place the names of all officers approved for promotion within a competitive category on a single list for that competitive category, to be known as a promotion list, in the order of the seniority of such officers on the active-duty list.

"(2) Except as provided in subsection (d), officers on a promotion list for a competitive category shall be promoted to the next higher grade when additional officers in that grade and competitive category are needed. Promotions shall be made in the order in which the names of officers appear on the promotion list and after officers previously selected for promotion in that competitive category have been promoted.

"(b)(1) A regular officer who is promoted under this section is appointed in the regular grade to which promoted and a reserve officer who is promoted under this section is appointed in the reserve grade to which promoted.

"(2) The date of rank of an officer appointed to a higher grade under this section is determined under section 741(d) of this title.

Post, p. 2869.

Presidential appointment.

"(c) Appointments under this section shall be made by the President, by and with the advice and consent of the Senate, except that appointments in the grade of first lieutenant or lieutenant (junior grade) under this section shall be made by the President alone.

Appointment delay.

"(d)(1) The Secretary concerned may delay the appointment of an officer under this section if—

"(A) sworn charges against the officer have been received by an officer exercising general court-martial jurisdiction over the officer and such charges have not been disposed of;

"(B) an investigation is being conducted to determine whether disciplinary action of any kind should be brought against the officer;

"(C) a board of officers has been convened under chapter 60 of this title to review the record of the officer; or

"(D) a criminal proceeding in a Federal or State court is pending against the officer.

Retention on list.

If no disciplinary action is taken against the officer, if the charges against the officer are withdrawn or dismissed, if the officer is not ordered removed from active duty by the Secretary concerned under chapter 60 of this title, or if the officer is acquitted of the charges brought against him, as the case may be, the officer shall be retained on the promotion list and shall, upon promotion to the next higher grade, have the same date of rank, the same effective date for the pay and allowances of the grade to which promoted, and the same position on the active-duty list as he would have had if no delay had intervened.

Post, p. 2872.

"(2) The Secretary concerned may also delay the appointment of an officer to the next higher grade under this section in any case in which the Secretary finds that there is cause to believe that the officer is mentally, physically, morally, or professionally unqualified to perform the duties of the grade for which he was selected for promotion. If the Secretary concerned later determines that the officer is qualified for promotion to such grade, the officer shall, upon such promotion, have the same date of rank, the same effective date for pay and allowances in the higher grade to which appointed, and the same position on the active-duty list as he would have had if no delay had intervened.

Delay, written notice.

"(3) The appointment of an officer may not be delayed under this subsection unless the officer has been given written notice of the grounds for the delay. An officer whose promotion has been delayed under this subsection shall be afforded an opportunity to make a written statement to the Secretary concerned in response to the action taken by the Secretary. Any such statement shall be given careful consideration by the Secretary.

Time limitation.

"(4) An appointment of an officer may not be delayed under the subsection for more than six months after the date on which the officer would otherwise have been appointed unless the Secretary concerned specifies a further period of delay. An officer's appointment may not be delayed more than 90 days after final action has been taken in any criminal case against such officer in a Federal or State court, more than 90 days after final action has been taken in any court-martial case against such officer, or more than 18 months after the date on which such officer would otherwise have been appointed, whichever is later.

10 USC 625.

"§ 625. Authority to vacate promotions to grades of brigadier general and commodore admiral

"(a) The President may vacate the promotion to the grade of brigadier general or commodore admiral of an officer who has served less than 18 months in that grade after promotion to that grade under this chapter.

"(b) An officer of the Army, Air Force, or Marine Corps whose promotion is vacated under this section holds the regular grade of colonel, if he is a regular officer, or the reserve grade of colonel, if he is a reserve officer. An officer of the Navy whose promotion is vacated under this section holds the regular grade of captain, if he is a regular officer, or the reserve grade of captain, if he is a reserve officer.

"(c) The position on the active-duty list of an officer whose promotion is vacated under this section is the position he would have held had he not been promoted to the grade of brigadier general or commodore admiral.

"§ 626. Acceptance of promotions; oath of office

"(a) An officer who is appointed to a higher grade under section 624 of this title is considered to have accepted such appointment on the date on which the appointment is made unless he expressly declines the appointment.

"(b) An officer who has served continuously since he subscribed to the oath of office prescribed in section 3331 of title 5 is not required to take a new oath upon appointment to a higher grade under section 624 of this title.

"SUBCHAPTER III—FAILURE OF SELECTION FOR PROMOTION AND RETIREMENT FOR YEARS OF SERVICE

"Sec.
"627. Failure of selection for promotion.
"628. Special selection boards.
"629. Removal from a list of officers recommended for promotion.
"630. Discharge of regular commissioned officers with less than five years of active commissioned service or found not qualified for promotion for first lieutenant or lieutenant (junior grade).

"631. Effect of failure of selection for promotion: regular first lieutenants and lieutenants (junior grade).
"632. Effect of failure of selection for promotion: regular captains and majors of the Army, Air Force, and Marine Corps and regular lieutenants and lieutenant commanders of the Navy.
"633. Retirement for years of service: regular lieutenant colonels and commanders.
"634. Retirement for years of service: regular colonels and Navy captains.
"635. Retirement for years of service: regular brigadier generals and commodore admirals.
"636. Retirement for years of service: regular major generals and rear admirals.

"§ 627. Failure of selection for promotion

10 USC 627.

"An officer in a grade below the grade of colonel or, in the case of an officer of the Navy, captain who is in or above the promotion zone established for his grade and competitive category under section 623 of this title and is considered but not selected for promotion by a selection board convened under section 611(a) of this title shall be considered to have failed of selection for promotion.

"§ 628. Special selection boards

"(a)(1) In the case of an officer who is eligible for promotion who the Secretary of the military department concerned determines was not considered for selection for promotion by a selection board because of administrative error, the Secretary concerned, under regulations prescribed by the Secretary of Defense, shall convene a special selection board under this subsection (composed in accordance with section 612 of this title) to determine whether such officer should be recommended for promotion.

Officer's record.

"(2) A special selection board convened under paragraph (1) shall consider the record of the officer as his record would have appeared to the board that should have considered him. That record shall be compared with a sampling of the records of those officers of the same competitive category who were recommended for promotion, and those officers who were not recommended for promotion, by the board that should have considered him.

"(3) If a special selection board convened under paragraph (1) does not recommend for promotion an officer in a grade below the grade of colonel or, in the case of an officer of the Navy, captain whose name was referred to it for consideration, the officer shall be considered to have failed of selection for promotion.

"(b)(1) In the case of an officer who is eligible for promotion who was considered for selection for promotion by a selection board but was not selected, the Secretary of the military department concerned, under regulations prescribed by the Secretary of Defense, may convene a special selection board under this subsection (composed in accordance with section 612 of this title) to determine whether such officer should be recommended for promotion if the Secretary concerned determines that—

"(A) the action of the board which considered the officer was contrary to law or involved material error of fact or material administrative error; or

"(B) the board did not have before it for its consideration material information.

Officer's record.

"(2) A special selection board convened under paragraph (1) shall consider the record of the officer as his record, if corrected, would have appeared to the board that considered him. That record shall be compared with the records of a sampling of those officers of the same competitive category who were recommended for promotion, and those officers who were not recommended for promotion, by the board that considered him.

"(3) If a special selection board convened under paragraph (1) does not recommend for promotion an officer whose name was referred to it for consideration, the officer incurs no additional failure of selection for promotion.

Report, submittal to Secretary.

"(c)(1) Each special selection board convened under this section shall submit to the Secretary of the military department concerned a written report, signed by each member of the board, containing the name of each officer it recommends for promotion and certifying that the board has carefully considered the record of each officer whose name was referred to it.

"(2) The provisions of sections 617(b) and 618 of this title apply to the report and proceedings of a special selection board convened under this section in the same manner as they apply to the report and proceedings of a selection board convened under section 611(a) of this title.

"(d)(1) If the report of a special selection board convened under this section, as approved by the President, recommends for promotion to the next higher grade an officer whose name was referred to it for consideration, such officer shall, as soon as practicable, be appointed to the next higher grade in accordance with subsections (b), (c), and (d) of section 624 of this title.

"(2) An officer who is promoted to the next higher grade as the result of the recommendation of a special selection board convened under this section shall, upon such promotion, have the same date of rank, the same effective date for the pay and allowances of that grade, and the same position on the active-duty list as he would have had if he had been recommended for promotion to that grade by the board which should have considered, or which did consider, him.

"(e) The provisions of section 613 of this title apply to members of special selection boards convened under this section.

10 USC 629.

"§ 629. Removal from a list of officers recommended for promotion

"(a) The President may remove the name of any officer from a list of officers recommended for promotion by a selection board convened under this chapter.

"(b) If, after consideration of a list of officers approved for promotion by the President, the Senate does not give its advice and consent to the appointment of an officer whose name is on the list, that officer's name shall be removed from the list.

Continued eligibility.

"(c)(1) An officer whose name is removed from a list under subsection (a) or (b) continues to be eligible for consideration for promotion. If he is recommended for promotion by the next selection board convened for his grade and competitive category and he is promoted, the Secretary of the military department concerned may, upon such promotion, grant him the same date of rank, the same effective date for the pay and allowances of the grade to which promoted, and the same position on the active-duty list as he would have had if his name had not been so removed.

"(2) If such an officer who is in a grade below the grade of colonel or, in the case of the Navy, captain is not recommended for promotion by the next selection board convened for his grade and competitive category, or if his name is again removed from the list of officers recommended for promotion, or if the Senate again does not give its advice and consent to his promotion, he shall be considered for all purposes to have twice failed of selection for promotion.

16 USC 630.

"§ 630. Discharge of regular commissioned officers with less than five years of active commissioned service or found not qualified for promotion for first lieutenant or lieutenant (junior grade)

"The Secretary of the military department concerned, under regulations prescribed by the Secretary of Defense—

"(1) may discharge any regular officer on the active-duty list who—

"(A) has less than five years of active commissioned service; or

"(B) is serving in the grade of second lieutenant or ensign and has been found not qualified for promotion to the regular grade of first lieutenant or lieutenant (junior grade); and

"(2) shall, unless the officer has been promoted, discharge any officer described in clause (1)(B) at the end of the eighteen-month period beginning on the date on which the officer is first found not qualified for promotion.

"§ 631. Effect of failure of selection for promotion: regular first lieutenants and lieutenants (junior grade)

Post, pp. 2894, 2898, 2932.

"(a) Except an officer of the Navy and Marine Corps who is an officer designated for limited duty (to whom section 5596(e) or 6383 of this title applies), each officer of the Regular Army, Regular Air Force, or Regular Marine Corps who holds the regular grade of first lieutenant and has failed of selection for promotion to the regular grade of captain for the second time, and each officer of the Regular Navy who holds the regular grade of lieutenant (junior grade) and has failed of selection for promotion to the regular grade of lieutenant for the second time, whose name is not on a list of officers recommended for promotion to the next higher regular grade shall—

Discharge.

"(1) be discharged on the date requested by him and approved by the Secretary of the military department concerned, which date shall be not later than the first day of the seventh calendar month beginning after the month in which the President approves the report of the board which considered him for the second time;

Retirement.

"(2) if he is eligible for retirement under any provision of law, be retired under that law on the date requested by him and approved by the Secretary concerned, which date shall be not later than the first day of the seventh calendar month beginning after the month in which the President approves the report of the board which considered him for the second time; or

Retirement, active duty status.

"(3) if on the date on which he is to be discharged under clause (1) he is within two years of qualifying for retirement under section 3911, 6323, or 8911 of this title, be retained on active duty until he is qualified for retirement and then be retired under that section, unless he is sooner retired or discharged under another provision of law.

Involuntary retirement or discharge.

"(b) The retirement or discharge of an officer pursuant to this section shall be considered to be an involuntary retirement or discharge for purposes of any other provision of law.

10 USC 632.

"§ 632. Effect of failure of selection for promotion: regular captains and majors of the Army, Air Force, and Marine Corps and regular lieutenants and lieutenant commanders of the Navy

Post, pp. 2894, 2898, 2932.

"(a) Except an officer of the Navy and Marine Corps who is an officer designated for limited duty (to whom section 5596(e) or 6383 of this title applies) and except as provided under section 637(a) of this title, each officer of the Regular Army, Regular Air Force, or Regular Marine Corps who holds the regular grade of captain or major, and each officer of the Regular Navy who holds the regular grade of lieutenant or lieutenant commander, who has failed of selection for promotion to the next higher regular grade for the second time and whose name is not on a list of officers recommended for promotion to the next higher regular grade shall—

Discharge.

"(1) be discharged on the date requested by him and approved by the Secretary concerned, which date shall be not later than the first day of the seventh calendar month beginning after the month in which the President approves the report of the board which considered him for the second time;

Retirement.

"(2) if he is eligible for retirement under any provision of law, be retired under that law on the date requested by him and approved by the Secretary concerned, which date shall be not later than the first day of the seventh calendar month beginning after the month in which the President approves the report of the board which considered him for the second time; or

Retirement, active duty status.

"(3) if on the date on which he is to be discharged under clause (1) he is within two years of qualifying for retirement under section 3911, 6323, or 8911 of this title, be retained on active duty until he is qualified for retirement and then retired under that section, unless he is sooner retired or discharged under another provision of law.

Involuntary retirement or discharge.

"(b) The retirement or discharge of an officer pursuant to this section shall be considered to be an involuntary retirement or discharge for purposes of any other provision of law.

"§ 633. Retirement for years of service: regular lieutenant colonels and commanders

Post, pp. 2894, 2898, 2932.

"Except an officer of the Navy and Marine Corps who is an officer designated for limited duty (to whom section 5596(e) or 6383 of this title applies) and except as provided under section 637(b) of this title, each officer of the Regular Army, Regular Air Force, or Regular Marine Corps who holds the regular grade of lieutenant colonel, and each officer of the Regular Navy who holds the regular grade of commander, who is not on a list of officers recommended for promotion to the regular grade of colonel or captain, respectively, shall, if not earlier retired, be retired on the first day of the month after the month in which he completes twenty-eight years of active commissioned service.

"§ 634. Retirement for years of service: regular colonels and Navy captains

"Except as provided under section 637(b) of this title, each officer of the Regular Army, Regular Air Force, or Regular Marine Corps who holds the regular grade of colonel, and each officer of the Regular Navy who holds the regular grade of captain, who is not on a list of officers recommended for promotion to the regular grade of brigadier general or commodore admiral, respectively, shall, if not earlier retired, be retired on the first day of the month after the month in which he completes thirty years of active commissioned service.

"§ 635. Retirement for years of service: regular brigadier generals and commodore admirals

10 USC 635.

"Except as provided under section 637(b) of this title, each officer of the Regular Army, Regular Air Force, or Regular Marine Corps who holds the regular grade of brigadier general, and each officer of the Regular Navy who holds the regular grade of commodore admiral, who is not on a list of officers recommended for promotion to the regular grade of major general or rear admiral, respectively, shall, if not earlier retired, be retired on the first day of the first month beginning after the date of the fifth anniversary of his appointment to that grade or on the first day of the month after the month in which he completes thirty years of active commissioned service, whichever is later.

"§ 636. Retirement for years of service: regular major generals and rear admirals

"Except as provided under section 637(b) of this title, each officer of the Regular Army, Regular Air Force, or Regular Marine Corps who holds the regular grade of major general, and each officer of the Regular Navy who holds the regular grade of rear admiral, shall, if not earlier retired, be retired on the first day of the first month beginning after the date of the fifth anniversary of his appointment to that grade or on the first day of the month after the month in which he completes thirty-five years of active commissioned service, whichever is later.

"SUBCHAPTER IV—CONTINUATION ON ACTIVE DUTY AND SELECTIVE EARLY RETIREMENT

"Sec.
"637. Selection of regular officers for continuation on active duty.
"638. Selective early retirement.
"639. Continuation on active duty to complete disciplinary action.
"640. Deferment of retirement or separation for medical reasons.

"§ 637. Selection of regular officers for continuation on active duty

Discharge or retirement.

"(a)(1) An officer subject to discharge or retirement in accordance with section 632 of this title may, subject to the needs of the service, be continued on active duty if he is selected for continuation on active duty by a selection board convened under section 611(b) of this title.

"(2) An officer who holds the regular grade of captain in the Army, Air Force, or Marine Corps, or the regular grade of lieutenant in the Navy, and who is subject to discharge or retirement in accordance with section 632 of this title may not be continued on active duty under this subsection for a period which extends beyond the last day of the month in which he completes twenty years of active commissioned service unless he is promoted to the regular grade of major or lieutenant commander, respectively.

"(3) An officer who holds the regular grade of major or lieutenant commander who is subject to discharge or retirement in accordance with section 632 of this title may not be continued on active duty under this subsection for a period which extends beyond the last day of the month in which he completes twenty-four years of active commissioned service unless he is promoted to the regular grade of lieutenant colonel or commander, respectively.

"(4) An officer who is selected for continuation on active duty under this subsection but declines to continue on active duty shall be discharged, retired, or retained on active duty, as appropriate, in accordance with section 632 of this title.

"(5) Each officer who is continued on active duty under this subsection, is not subsequently promoted or continued on active duty, and is not on a list of officers recommended for continuation or for promotion to the next higher regular grade shall, unless sooner retired or discharged under another provision of law—

"(A) be discharged upon the expiration of his period of continued service; or

"(B) if he is eligible for retirement under any provision of law, be retired under that law on the first day of the first month following the month in which he completes his period of continued service.

Notwithstanding the provisions of clause (A), any officer who would otherwise be discharged under such clause and is within two years of qualifying for retirement under section 3911, 6323, or 8911 of this title, shall, unless he is sooner retired or discharged under some other provision of law, be retained on active duty until he is qualified for retirement under that section and then be retired.

Involuntary retirement or discharge.

"(6) The retirement or discharge of an officer pursuant to this subsection shall be considered to be an involuntary retirement or discharge for purposes of any other provision of law.

Deferred retirement.

"(b)(1) An officer subject to retirement under section 633, 634, 635, or 636 of this title may, subject to the needs of the service, have his retirement deferred and be continued on active duty if he is selected for continuation on active duty by a selection board convened under section 611(b) of this title.

"(2) An officer subject to retirement under section 635 or 636 of this title who is serving in a grade above major general or rear admiral may, subject to the needs of the service, have his retirement deferred and be continued on active duty by the President.

"(3) Any deferral of retirement and continuation on active duty under this subsection shall be for a period not to exceed five years, but such period may not (except as provided under section 1251(b) of this title) extend beyond the date of the officer's sixty-second birthday.

Post, p. 2875.

Secretary's approval.

"(c) Continuation of an officer on active duty under this section pursuant to the action of a selection board convened under section 611(b) of this title is subject to the approval of the Secretary of the military department concerned.

Regulations.

"(d) The Secretary of Defense shall prescribe regulations for the administration of this section.

10 USC 638.

"§ 638. Selective early retirement

"(a) A regular officer on the active-duty list of the Army, Navy, Air Force, or Marine Corps—

"(1) who holds the regular grade of lieutenant colonel or commander and has failed of selection for promotion to the grade of colonel or, in the case of an officer of the Navy, captain two or more times and whose name is not on a list of officers recommended for promotion;

"(2) who holds the regular grade of colonel or, in the case of an officer of the Navy, captain and has served at least four years of active duty in that grade and whose name is not on a list of officers recommended for promotion;

"(3) who holds the regular grade of brigadier general or commodore admiral and has served at least four years of active duty in that grade and whose name is not on a list of officers recommended for promotion; or

"(4) who holds the regular grade of major general or rear admiral and has served at least four years of active duty in that grade,

may be considered for early retirement by a selection board convened under section 611(b) of this title. The Secretary of the military department concerned shall specify the number of officers described in clauses (1) and (2) which such a board may recommend for early retirement, but such number may not be more than 30 percent of the number of officers considered in each grade in each competitive category.

"(b)(1) An officer in a grade below brigadier general or commodore admiral who is recommended for early retirement under this section and whose early retirement is approved by the Secretary concerned shall—

"(A) be retired, under any provision of law under which he is eligible to retire, on the date requested by him and approved by the Secretary concerned, which date shall be not later than the first day of the seventh calendar month beginning after the month in which the Secretary concerned approves the report of the board which recommended the officer for early retirement; or

Retirement, active duty status
10 USC 3911, 6323, 8911.

"(B) if the officer is not eligible for retirement under any provision of law, be retained on active duty until he is qualified for retirement under section 3911, 6323, or 8911 of this title, and then be retired under that section, unless he is sooner retired or discharged under some other provision of law.

"(2) An officer who holds the regular grade of brigadier general, major general, commodore admiral, or rear admiral who is recommended for early retirement under this section and whose early retirement is approved by the Secretary concerned shall be retired, under any provision of law under which he is eligible to retire, on the date requested by him and approved by the Secretary concerned, which date shall be not later than the first day of the tenth calendar month beginning after the month in which the Secretary concerned approved the report of the board which recommended the officer for early retirement.

"(c) So long as an officer in a grade below brigadier general or commodore admiral holds the same grade, he may not be considered for early retirement under this section more than once in any five-year period.

Involuntary retirement.

"(d) The retirement of an officer pursuant to this section shall be considered to be an involuntary retirement for purposes of any other provision of law.

Regulations.

"(e) The Secretary of Defense shall prescribe regulations for the administration of this section. Such regulations shall require that when the Secretary of the military department concerned submits a list of officers to a selection board convened under section 611(b) of this title to consider officers for selection for early retirement under this section, such list shall include each officer on the active-duty list in the same grade and competitive category whose position on the active-duty list is between that of the most junior officer in that grade and competitive category whose name is submitted to the board and that of the most senior officer in that grade and competitive category whose name is submitted to the board.

10 USC 639.

"§ 639. Continuation on active duty to complete disciplinary action

"When any action has been commenced against an officer with a view to trying such officer by court-martial and such officer is to be separated or retired in accordance with this chapter, the Secretary of the military department concerned may delay the separation or retirement of the officer, without prejudice to such action, until the completion of the action.

"§ 640. Deferment of retirement or separation for medical reasons

"The Secretary of the military department concerned may defer the retirement or separation under this title of any officer if the evaluation of the physical condition of the officer and determination of the officer's entitlement to retirement or separation for physical disability require hospitalization or medical observation that cannot be completed before the date on which the officer would otherwise be required to retire or be separated under this title.

"SUBCHAPTER V—ADDITIONAL PROVISIONS RELATING TO PROMOTION, SEPARATION, AND RETIREMENT

"Sec.

"641. Applicability of chapter.
"642. Entitlement of officers discharged or retired under this chapter to separation pay or retired pay.
"643. Chaplains: discharge or retirement upon loss of professional qualifications.
"644. Authority to suspend officer personnel laws.
"645. Definitions.

"§ 641. Applicability of chapter

"Officers in the following categories are not subject to this chapter (other than section 640):

"(1) Reserve officers—

"(A) on active duty for training;

"(B) on active duty under section 175, 265, 3015, 3019, 3033, 3496, 5251, 5252, 8019, 8033, or 8496 of this title or section 708 of title 32;

"(C) on active duty under section 672(d) of this title or under section 502 or 503 of title 32 in connection with organizing, administering, recruiting, instructing, or training the reserve components;

"(D) on active duty to pursue special work;

"(E) ordered to active duty under section 673b of this title; or

"(F) on active duty under section 10(b)(2) of the Military Selective Service Act (50 U.S.C. App. 460(b)(2)) for the administration of the Selective Service System.

"(2) The director of admissions, dean, and permanent professors at the United States Military Academy and the registrar, dean, and permanent professors at the United States Air Force Academy.

"(3) Warrant officers.

"(4) Retired officers on active duty.

"(5) Students at the Uniformed Services University of the Health Sciences.

"§ 642. Entitlement of officers discharged or retired under this chapter to separation pay or retired pay

10 USC 642.

"(a) An officer who is discharged under this chapter is entitled, if eligible therefor, to separation pay under section 1174 of this title.

Post, p. 2870.

"(b) An officer who is retired under this chapter is entitled to retired pay computed under chapter 71 of this title.

10 USC 1401 *et seq.*

"§ 643. Chaplains: discharge or retirement upon loss of professional qualifications

"Under regulations prescribed by the Secretary of Defense, a commissioned officer on the active-duty list of the Army, Navy, or Air Force who is appointed or designated as a chaplain may, if he fails to maintain the qualifications needed to perform his professional function, be discharged or, if eligible for retirement, may be retired.

"§ 644. Authority to suspend officer personnel laws

War or national emergency.

"In time of war, or of national emergency declared by Congress or the President after November 30, 1980, the President may suspend the operation of any provision of this chapter or of any other law relating to the promotion, involuntary retirement, or separation of commissioned officers of the Army, Navy, Air Force, or Marine Corps. So long as such war or national emergency continues, any such suspension may be extended by the President. Any such suspension shall, if not sooner ended, end on the last day of the two-year period beginning on the date on which the suspension (or the last extension thereof) takes effect or on the last day of the one-year period beginning on the date of the termination of the war or national emergency, whichever occurs first. With respect to the end of any such suspension, the preceding sentence supersedes the provisions of title II of the National Emergencies Act (50 U.S.C. 1621-1622) which provide that powers or authorities exercised by reason of a national emergency shall cease to be exercised after the date of the termination of the emergency.

"§ 645. Definitions

"In this chapter:

"(1) 'Promotion zone' means a promotion eligibility category consisting of the officers on an active-duty list in the same grade and competitive category—

"(A) who—

"(i) in the case of officers in grades below colonel, for officers of the Army, Air Force, and Marine Corps, or captain, for officers of the Navy, have neither (I) failed of selection for promotion to the next higher grade, nor (II) been removed from a list of officers recommended for promotion to that grade; or

"(ii) in the case of officers in the grade of colonel or brigadier general, for officers of the Army, Air Force, and Marine Corps, or captain or commodore admiral, for officers of the Navy, have neither (I) not been recommended for promotion to the next higher grade when considered in the promotion zone, nor (II) been removed from a list of officers recommended for promotion to that grade; and

"(B) are senior to the officer designated by the Secretary of the military department concerned to be the junior officer eligible for consideration for promotion to the next higher grade in the promotion zone.

"(2) 'Officers above the promotion zone' means a group of officers on an active-duty list in the same grade and competitive category who—

"(A) are eligible for consideration for promotion to the next higher grade;

"(B) are in the same grade as those officers in the promotion zone for that competitive category; and

"(C) are senior to the senior officer in the promotion zone for that competitive category.

"(3) 'Officers below the promotion zone' means a group of officers on the active-duty list in the same grade and competitive category who—

"(A) are eligible for consideration for promotion to the next higher grade;

"(B) are in the same grade as the officers in the promotion zone for that competitive category; and

"(C) are junior to the junior officer in the promotion zone for that competitive category.".

AUTHORITY TO ORDER RETIRED MEMBERS OF REGULAR COMPONENTS TO ACTIVE DUTY; GRADE IN WHICH RESERVE OFFICERS ORDERED TO ACTIVE DUTY

SEC. 106. Chapter 39, relating to service on active duty, is amended by adding at the end thereof the following new sections:

Active duty.
10 USC 688.

"§ 688. Regular components: retired members

"(a) Under regulations prescribed by the Secretary of Defense, a retired member of the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps may be ordered to active duty by the Secretary of the military department concerned at any time. The Secretary concerned may, to the extent consistent with other provisions of law, assign a member ordered to active duty under this section to such duties as the Secretary considers necessary in the interests of national defense.

"(b) A retired member of the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps who, while on active duty, is promoted to a grade that is higher than his retired grade is entitled, upon his release from that tour of active duty, to placement on the retired list in the highest grade in which he served on active duty satisfactorily, as determined by the Secretary of the military department concerned, for not less than six months.

"(c) Except in time of war, or of national emergency declared by the Congress or the President after November 30, 1980, not more than fifteen retired general officers of the Army, Air Force, or Marine Corps, and not more than fifteen retired flag officers of the Navy, may be on active duty at any one time. For the purposes of this subsection a retired officer ordered to active duty for a period of sixty days or less is not counted.

"§ 689. Reserve officers: grade in which ordered to active duty

"A reserve officer who is ordered to active duty shall be ordered to active duty in his reserve grade.".

RANK OF COMMISSIONED OFFICERS AMONG THEMSELVES

SEC. 107. Section 741 is amended to read as follows:

"§ 741. Rank: commissioned officers of the Army, Navy, Air Force, and Marine Corps

10 USC 741.

"(a) Among the grades listed below, the grades of general and admiral are equivalent and are senior to other grades and the grades of second lieutenant and ensign are equivalent and are junior to other grades. Intermediate grades rank in the order listed as follows:

"Army, Air Force, and Marine Corps:	Navy
General	Admiral.
Lieutenant general	Vice admiral.
Major general	Rear admiral.
Brigadier general	Commodore admiral.
Colonel	Captain.
Lieutenant colonel	Commander.
Major	Lieutenant commander.
Captain	Lieutenant.
First lieutenant	Lieutenant (junior grade).
Second lieutenant	Ensign.

"(b) Rank among officers of the same grade or of equivalent grades is determined by comparing dates of rank. An officer whose date of rank is earlier than the date of rank of another officer of the same or equivalent grade is senior to that officer.

"(c) Rank among officers of the same grade or of equivalent grades who have the same date of rank is determined by regulations prescribed by the Secretary of Defense which shall apply uniformly among the the Army, Navy, Air Force, and Marine Corps.

"(d)(1) The date of rank of an officer who holds a grade as the result of an original appointment shall be determined by the Secretary of the military department concerned at the time of such appointment. The date of rank of an officer who holds a grade as the result of an original appointment and who at the time of such appointment was awarded service credit for prior commissioned service or constructive credit for advanced education or training, or special experience shall be determined so as to reflect such prior commissioned service or constructive service. Determinations by the Secretary concerned under this paragraph shall be made under regulations prescribed by the Secretary of Defense which shall apply uniformly among the Army, Navy, Air Force, and Marine Corps.

"(2) Except as otherwise provided by law, the date of rank of an officer who holds a grade as the result of a promotion is the date of his appointment to that grade.

"(3) Under regulations prescribed by the Secretary of Defense, which shall apply uniformly among the Army, Navy, Air Force, and Marine Corps, the date of rank of a reserve commissioned officer (other than a warrant officer) who is to be placed on the active-duty list and who has not been on continuous active duty since his original appointment as a reserve commissioned officer in a grade above warrant officer (W-4) may, effective on the date on which he is placed on the active-duty list, be changed by the Secretary concerned to a later date to reflect such officer's qualifications and experience.".

RIGHT OF RETIRED OFFICERS TO COMMAND

SEC. 108. Chapter 43, relating to rank and command, is amended by adding at the end thereof the following new section:

10 USC 750.

"§ 750. Command: retired officers

"A retired officer has no right to command except when on active duty.".

SEPARATION PAY UPON INVOLUNTARY DISCHARGE OR RELEASE FROM ACTIVE DUTY

Repeal.

SEC. 109. (a) Section 687, relating to readjustment pay for nonregulars, is repealed.

(b)(1) The second sentence of section 1165, relating to separation of regular warrant officers during their probationary period, is amended to read as follows: "A warrant officer who is separated under this section is entitled, if eligible therefor, to separation pay under section 1174 or he may be enlisted under section 515 of this title. If such a warrant officer is enlisted under section 515 of this title, he is not entitled to separation pay.". *Infra.*

(2) Section 1166(a), relating to elimination of regular warrant officers for unfitness or unsatisfactory performance, is amended—

(A) by striking out "be separated with severance pay computed under section 1167(b) of this title" in the second sentence and inserting in lieu thereof a comma and the following: "if eligible therefor, be separated with separation pay under section 1174 of this title or severance pay under section 286a of title 14, as appropriate"; and *Infra.* *Infra.* *Post*, p. 2918.

(B) by inserting "separation pay or" in the third sentence after "being paid".

Repeal.

(3) Section 1167, relating to severance pay of regular warrant officers, is repealed.

(c) Chapter 59 is amended by adding at the end thereof the following new section:

"§ 1174. Separation pay upon involuntary discharge or release from active duty

Ante, pp. 2850, 2861, 2867. *Post*, pp. 2898, 2932. *Post*, p. 2941.

"(a) A regular officer who is discharged under chapter 36 of this title (except under section 630(1)(A) or 643 of such chapter), under section 564 or 6383 of this title, or under section 603 or 604 of the Defense Officer Personnel Management Act and who has completed five or more, but less than twenty, years of active service immediately before that discharge or release is entitled to separation pay computed under subsection (d)(1).

Ante, pp. 2861, 2867, *post*, p. 2874.

"(b) A regular commissioned officer of the Army, Navy, Air Force, or Marine Corps who is discharged under section 630(1)(A), 643, or 1186 of this title, and a regular warrant officer of the Army, Navy, Air Force, or Marine Corps who is separated under section 1165 or 1166 of this title, who has completed five or more, but less than twenty, years of active service immediately before that discharge or separation is entitled to separation pay computed under subsection (d)(1) or (d)(2), as determined by the Secretary of the military department concerned, unless the Secretary concerned determines that the conditions under which the officer is discharged or separated do not warrant payment of such pay.

"(c) A member of an armed force other than a regular member who on or after the effective date of the Defense Officer Personnel

Management Act is discharged or released from active duty and who has completed five or more, but less than twenty, years of active service immediately before that discharge or release is entitled, unless the Secretary concerned determines that the conditions under which the member is discharged or separated do not warrant such pay, to separation pay computed under subsection (d)(1) or (d)(2), as determined by the Secretary concerned, if—

Ante, p. 2835.

"(1) such member's discharge or release from active duty is involuntary; or

"(2) such member was not accepted for an additional tour of active duty for which he volunteered.

"(d) The amount of separation pay which may be paid to a member nder this section is—

Pay computation.

"(1) 10 percent of the product of (A) his years of active service, and (B) 12 times the monthly basic pay to which he was entitled at the time of his discharge or release from active duty or $30,000, whichever is less; or

"(2) one-half of the amount computed under clause (1), but in no event more than $15,000.

"(e) A member who—

Ineligibility.

"(1) is discharged or released from active duty at his request;

"(2) is released from active duty for training; or

"(3) upon discharge or release from active duty, is immediately eligible for retired or retainer pay based on his military service;

s not eligible for separation pay under this section.

"(f) In determining a member's years of active service for the urpose of computing separation pay under this section, a part of a ear that is six months or more is counted as a whole year and a part f a year that is less than six months is disregarded.

"(g)(1) A period for which a member has previously received eparation pay under this section or severance pay or readjustment ay under any other provision of law based on service in the armed rces may not be included in determining the years of service that ay be counted in computing the separation pay of the member nder this section.

"(2) The total amount that a member may receive in separation pay nder this section and severance pay and readjustment pay under ny other provision of law based on service in the armed forces may ot exceed $30,000.

Total pay, limitation.

"(h)(1) A member who has received separation pay under this ction, or severance pay or readjustment pay under any other ovision of law, based on service in the armed forces, and who later alifies for retired or retainer pay under this title or title 14 shall ve deducted from each payment of such retired or retainer pay so uch of such pay as is based on the service for which he received paration pay under this section or severance pay or readjustment y under any other provision of law until the total amount deducted equal to the total amount of separation pay, severance pay, and adjustment pay received.

Retired or retainer pay, deductions.

14 USC 1.

'(2) A member who has received separation pay under this section, severance pay or readjustment pay under any other provision of v, based on service in the armed forces shall not be deprived, by son of his receipt of such separation pay, severance pay, or djustment pay, of any disability compensation to which he is titled under the laws administered by the Veterans' Administra-n, but there shall be deducted from that disability compensation amount equal to the total amount of separation pay, severance , and readjustment pay received. Notwithstanding the preceding

Disability pay, deductions.

sentence, no deduction may be made from disability compensation for the amount of any separation pay, severance pay, or readjustment pay received because of an earlier discharge or release from a period of active duty if the disability which is the basis for that disability compensation was incurred or aggravated during a later period of active duty.

Regulations.

"(i) The Secretary of Defense shall prescribe regulations, which shall be uniform for the Army, Navy, Air Force, and Marine Corps, for the administration of this section.".

INVOLUNTARY SEPARATION OF REGULAR OFFICERS FOR SUBSTANDARD PERFORMANCE OF DUTY OR FOR CERTAIN OTHER REASONS

SEC. 110. Part II of subtitle A is amended by inserting after chapter 59 the following new chapter:

"CHAPTER 60—SEPARATION OF REGULAR OFFICERS FOR SUBSTANDARD PERFORMANCE OF DUTY OR FOR CERTAIN OTHER REASONS

"Sec.
"1181. Authority to convene boards of officers to consider separation of officers for substandard performance of duty or for certain other reasons.
"1182. Boards of inquiry.
"1183. Boards of review.
"1184. Removal of officer: action by Secretary upon recommendation of board of review.
"1185. Rights and procedures.
"1186. Officer considered for removal: voluntary retirement or discharge.
"1187. Officers eligible to serve on boards.

10 USC 1181.

"§ 1181. Authority to convene boards of officers to consider separation of officers for substandard performance of duty or for certain other reasons

"(a) Under regulations prescribed by the Secretary of Defense, the Secretary of the military department concerned may at any time convene a board of officers to review the record of any commissioned officer (other than a commissioned warrant officer or a retired officer) of the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps to determine whether such officer shall be required, because his performance of duty has fallen below standards prescribed by the Secretary of Defense, to show cause for his retention on active duty.

"(b) Under regulations prescribed by the Secretary of Defense, the Secretary of the military department concerned may at any time convene a board of officers to review the record of any commissioned officer (other than a commissioned warrant officer or a retired officer) of the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps to determine whether such officer should be required, because of misconduct, because of moral or professional dereliction, or because his retention is not clearly consistent with the interests of national security, to show cause for his retention on active duty.

"§ 1182. Boards of inquiry

"(a) The Secretary of the military department concerned shall convene boards of inquiry at such times and places as the Secretary may prescribe to receive evidence and make findings and recommendations as to whether an officer who is required under section 1181 of this title to show cause for retention on active duty should be retained on active duty. Each board of inquiry shall be composed of not less than three officers having the qualifications prescribed by section 1187 of this title.

"(b) A board of inquiry shall give a fair and impartial hearing to each officer required under section 1181 of this title to show cause for retention on active duty.

Review board.

"(c) If a board of inquiry determines that the officer has failed to establish that he should be retained on active duty, it shall send the record of its proceedings to a board of review convened under section 1183 of this title.

"(d)(1) If a board of inquiry determines that the officer has established that he should be retained on active duty, the officer's case is closed.

"(2) An officer who is required to show cause for retention on active duty under subsection (a) of section 1181 of this title and who is determined under paragraph (1) to have established that he should be retained on active duty may not again be required to show cause for retention on active duty under such subsection within the one-year period beginning on the date of that determination.

"(3)(A) Subject to subparagraph (B), an officer who is required to show cause for retention on active duty under subsection (b) of section 1181 of this title and who is determined under paragraph (1) to have established that he should be retained on active duty may again be required to show cause for retention at any time.

"(B) An officer who has been required to show cause for retention on active duty under subsection (b) of section 1181 of this title and who is thereafter retained on active duty may not again be required to show cause for retention on active duty under such subsection solely because of conduct which was the subject of the previous proceedings, unless the findings or recommendations of the board of inquiry that considered his case are determined to have been obtained by fraud or collusion.

"§ 1183. Boards of review

10 USC 1183.

"(a) The Secretary of the military department concerned shall convene boards of review at such times as the Secretary may prescribe to review the cases of officers who a board of inquiry has determined have failed to establish that they should be retained on active duty. Each board of review shall be composed of not less than three officers having the qualifications prescribed by section 1187 of this title.

Recommendation to Secretary.

"(b) If, after reviewing the record of the case of any officer, a board of review determines that the officer has failed to establish that he should be retained on active duty, the board of review shall recommend to the Secretary concerned that the officer not be retained on active duty.

"(c)(1) If, after reviewing the record of the case of any officer, a board of review determines that the officer has established that he should be retained on active duty, the officer's case is closed.

"(2) An officer who is required to show cause for retention under subsection (a) of section 1181 of this title and who is determined under paragraph (1) to have established that he should be retained on active duty may not again be required to show cause for retention under such subsection within the one-year period beginning on the date of that determination.

"(3)(A) Subject to subparagraph (B), an officer who is required to show cause for retention under subsection (b) of section 1181 of this title and who is determined under paragraph (1) to have established that he should be retained on active duty may again be required to show cause for retention at any time.

"(B) An officer who has been required to show cause for retention as a result of proceedings under subsection (b) of section 1181 of this title and who is thereafter retained on active duty may not again be required to show cause for retention on active duty under such subsection solely because of conduct which was the subject of the previous proceeding, unless the findings or recommendations of the board of inquiry or board of review that considered his case are determined to have been obtained by fraud or collusion.

10 USC 1184.

"§ 1184. Removal of officer: action by Secretary upon recommendation of board of review

"The Secretary of the military department concerned may remove an officer from active duty if the removal of such officer from active duty is recommended by a board of review convened under section 1183 of this title.

"§ 1185. Rights and procedures

"(a) Under regulations prescribed by the Secretary of Defense, each officer required under section 1181 of this title to show cause for retention on active duty—

"(1) shall be notified in writing, at least 30 days before the hearing of his case by a board of inquiry, of the reasons for which he is being required to show cause for retention on active duty;

"(2) shall be allowed a reasonable time, as determined by the board of inquiry, to prepare his showing of cause for his retention on active duty;

"(3) shall be allowed to appear in person and to be represented by counsel at proceedings before the board of inquiry; and

"(4) shall be allowed full access to, and shall be furnished copies of, records relevant to his case, except that the board of inquiry shall withhold any record that the Secretary concerned determines should be withheld in the interest of national security.

Withheld records.

"(b) When a record is withheld under subsection (a)(4), the officer whose case is under consideration shall, to the extent that the interest of national security permits, be furnished a summary of the record so withheld.

"§ 1186. Officer considered for removal: voluntary retirement or discharge

"(a) At any time during proceedings under this chapter with respect to the removal of an officer from active duty, the Secretary of the military department concerned may grant a request by the officer—

"(1) for voluntary retirement, if the officer is qualified for retirement; or

"(2) for discharge in accordance with subsection (b)(2).

"(b) An officer removed from active duty under section 1184 of this title shall—

"(1) if eligible for voluntary retirement under any provision of law on the date of such removal, be retired in the grade and with the retired pay for which he would be eligible if retired under such provision; and

"(2) if ineligible for voluntary retirement under any provision of law on the date of such removal—

"(A) be honorably discharged in the grade then held, in the case of an officer whose case was brought under subsection (a) of section 1181 of this title; or

"(B) be discharged in the grade then held, in the case of an officer whose case was brought under subsection (b) of section 1181 of this title.

"(c)" An officer who is discharged under subsection (b)(2) is entitled, if eligible therefor, to separation pay under section 1174(b) of this title.

Ante, p. 2870.

"§ 1187. Officers eligible to serve on boards

10 USC 1187.

"(a)(1) Each officer who serves on a board convened under this chapter shall be an officer of the same armed force as the officer being required to show cause for retention on active duty.

"(2) Except as provided in paragraph (3), an officer may not serve on a board under this chapter unless such officer is serving on active duty in a grade above lieutenant colonel or commander and is senior in grade and rank to any officer considered by that board.

Retired officers.

"(3) If qualified officers on active duty are not available in sufficient numbers to comprise a board convened under this chapter, the Secretary of the military department concerned shall complete the membership of the board by appointing retired officers of the same armed force who are retired in a grade above lieutenant colonel or commander and whose retired grade is senior to the grade of any officer considered by the board. A retired general or flag officer who is on active duty for the purpose of serving on a board convened under this chapter shall not, while so serving, be counted against any limitation on the number of general and flag officers who may be on active duty.

"(b) No person may be a member of more than one board convened under this chapter to consider the same officer.".

RETIREMENT OF REGULAR COMMISSIONED OFFICERS AT AGE 62

SEC. 111. Chapter 63, relating to retirement for age, is amended by inserting before section 1263 the following new section:

"§ 1251. Age 62: regular commissioned officers; exceptions

"(a) Unless retired or separated earlier, each regular commissioned officer of the Army, Navy, Air Force, or Marine Corps (other than an officer who is a permanent professor, director of admissions, or registrar of the United States Military Academy or United States Air Force Academy or a commissioned warrant officer) shall be retired on the first day of the month following the month in which he becomes 62 years of age. An officer who is a permanent professor at the United States Military Academy or United States Air Force Academy, the director of admissions at the United States Military Academy, or the registrar of the United States Air Force Academy shall be retired on the first day of the month following the month in which he becomes 64 years of age.

Retirement, Presidential deferment.

"(b) Notwithstanding subsection (a), the President may defer the retirement of an officer serving in a position that carries a grade above major general or rear admiral, but such a deferment may not extend beyond the first day of the month following the month in which the officer becomes 64 years of age. Not more than ten deferments of retirement under this subsection may be in effect at any one time.".

REQUIREMENT OF THREE YEARS SERVICE IN GRADE FOR VOLUNTARY RETIREMENT

SEC. 112. Chapter 69, relating to retired grade, is amended by inserting before section 1371 the following new section:

10 USC 1370.

"§ 1370. Commissioned officers: general rule; exceptions

"(a)(1) Unless entitled to a higher retired grade under some other provision of law, a commissioned officer (other than a commissioned warrant officer) of the Army, Navy, Air Force, or Marine Corps who retires under any provision of law other than chapter 61 or chapter 67 of this title shall, except as provided in paragraph (2), be retired in the highest grade in which he served on active duty satisfactorily, as determined by the Secretary of the military department concerned, for not less than six months.

10 USC 1201 *et seq.*, 1331 *et seq.*

"(2) In order to be eligible for voluntary retirement under any provision of this title in a grade above major or lieutenant commander and below lieutenant general or vice admiral, a commissioned officer of the Army, Navy, Air Force, or Marine Corps must have served on active duty in that grade for not less than three years. The President may waive the preceding sentence in individual cases involving extreme hardship or exceptional or unusual circumstances. The authority of the President under the preceding sentence may not be delegated.

"(3) A reserve or temporary officer who is notified that he will be released from active duty without his consent and thereafter requests retirement under section 3911, 6323, or 8911 of this title and is retired pursuant to that request is considered for purposes of this section, to have been retired involuntarily. An officer retired pursuant to section 1186(b)(1) of this title is considered for purposes of this section to have been retired voluntarily.

Ante, p. 2874.

"(b) An officer whose length of service in the highest grade he held while on active duty does not meet the service in grade requirements specified in subsection (a) shall be retired in the next lower grade in which he served on active duty satisfactorily, as determined by the Secretary of the military department concerned, for not less than six months.

"(c) Upon retirement an officer of the Army, Navy, Air Force, or Marine Corps who is serving in or has served in a position of importance and responsibility designated by the President to carry the grade of general or admiral or lieutenant general or vice admiral under section 601 of this title may, in the discretion of the President, be retired, by and with the advice and consent of the Senate, in the highest grade held by him while serving on active duty.".

Ante, p. 2849.

COMPUTATION OF RETIRED PAY FOR REGULAR OFFICERS RETIRING FOR AGE OR YEARS OF SERVICE

Post, p. 2924.

SEC. 113. (a)(1) Section 1401, relating to computation of retired pay, is amended by adding at the end of the table contained in such section the following new formula:

"5	633 634 635 636 1251	Monthly basic pay[1] of member's retired grade.[5]	2½% of years of service credited under section 1405.[3]	…………………………	Excess over 75% of pay upon which computation is based.".

(2) Section 1401 is further amended by adding after the last footnote to the table contained in such section the following new footnote: 10 USC 1401.

"[5] For the purposes of this section, determine an officer's retired grade as if sections 3962(b) and 8962(b) did not apply.".

(b) Section 1405, relating to years of service for computation of retired pay, is amended to read as follows:

"§ 1405. Years of service

"For the purposes of section 1401 (formulas 4 and 5), 3991 (formula B), 6151(b), 6323(e), 6325 (a)(2) and (b)(2), 6383(c)(2), or 8991 (formula B) of this title, the years of service of a member of the armed forces are computed by adding— *Post*, pp. 2910, 2932, 2917.

"(1) his years of active service;

"(2) the years of service, not included in clause (1), with which he was entitled to be credited on May 31, 1958, in computing his basic pay; and

"(3) the years of service, not included in clause (1) or (2), with which he would be entitled to be credited under section 1333 of this title if he were entitled to retired pay under section 1331 of this title.".

(c) Section 1407(b)(4), relating to retired pay base, is amended by inserting "633, 634, 635, 636, 1251," before "1263,". *Post*, p. 2924.

OFFICERS ATTENDING UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES TO BE COUNTED AGAINST AUTHORIZED MILITARY STRENGTHS

Sec. 114. The second sentence of section 2114(b), relating to students attending the Uniformed Services University of the Health Sciences, is amended by striking out ", but shall not be counted against any prescribed military strengths". *Post*, p. 2926.

REPEAL OF CERTAIN GENDER-BASED DIFFERENCES IN TREATMENT OF DEPENDENTS

Sec. 115. (a) Section 101, relating to definitions for purposes of title 10, is amended by striking out paragraph (36).

(b) Section 1072(2), relating to definitions for purposes of chapter 55 (medical and dental care), is amended—

(1) by striking out "wife" in clause (A) and inserting in lieu thereof "spouse";

(2) by striking out clause (C) and redesignating clauses (D), (E), and (F) as clauses (C), (D), and (E); and

(3) by striking out all of clause (C) (as redesignated by clause (B) of this paragraph) after "widower" and inserting in lieu thereof a semicolon.

EXTENSION OF RESTRICTIONS ON PERFORMANCE OF CIVIL FUNCTIONS TO ALL OFFICERS ON ACTIVE DUTY

10 USC 973.

SEC. 116. (a) Subsection (a) of section 973, relating to restrictions on performance of civil functions by officers, is amended by striking out "on the active list of the Regular Army, Regular Navy, Regular Air Force, Regular Marine Corps, or Regular Coast Guard" and inserting in lieu thereof "of an armed force on active duty".

(b) Subsection (b) of such section is amended by striking out "officer on the active list of the Regular Army, Regular Navy, Regular Air Force, Regular Marine Corps, or Regular Coast Guard" and inserting in lieu thereof "regular officer of an armed force on active duty".

(c) The heading of such section is amended to read as follows:

"§ 973. Duties: officers on active duty; performance of civil functions restricted".

PERMANENT AUTHORITY FOR CERTAIN PROVISIONS RELATING TO DISABILITY RETIREMENT

SEC. 117. Sections 1201(3)(B)(iv), 1203(4)(A)(iii), and 1203(4)(C)(iii) are each amended by striking out "during the period beginning on" and all that follows through "to that effect" and inserting in lieu thereof "after September 14, 1978".

TITLE II—AMENDMENTS TO SUBTITLES B AND D OF TITLE 10, UNITED STATES CODE—THE ARMY AND THE AIR FORCE

PART A—AMENDMENTS RELATING TO OFFICER APPOINTMENT, PROMOTION, SEPARATION, AND MANDATORY RETIREMENT

REPEAL OF SECTIONS PROVIDING FOR TEMPORARY APPOINTMENTS IN GRADES OF GENERAL AND LIEUTENANT GENERAL

SEC. 201. Sections 3066 and 8066, relating to generals and lieutenant generals, are repealed.

REPEAL OF SECTIONS RELATING TO THE AUTHORIZED STRENGTH OF THE ARMY AND OF THE AIR FORCE

SEC. 202. The following sections of chapters 331 and 831, relating to the strength of the Army and Air Force, are repealed: sections 3201 and 8201, 3203 and 8203, 3204 and 8204, 3205 and 8205, 3206 and 8206, 3207 and 8207, 8208, 3209 and 8209, 3211 and 8211, 3213 and 8213, 3214 and 8214, 8215, and 3216.

AUTHORIZED STRENGTH IN GRADE FOR GENERAL OFFICERS

SEC. 203. (a) Section 3202, relating to the authorized strength of the Army in officers on active duty in certain grades, is amended to read as follows:

"§ 3202. Army: strength in grade; general officers

10 USC 3202.

"(a) The authorized strength of the Army in general officers on active duty on the last day of each fiscal year, exclusive of officers on active duty for training only and officers serving with other departments or agencies on a reimbursable basis, is based on the total number of officers authorized for the Army in all commissioned grades under section 521 of this title as follows:

Ante, p. 2841.

"If the total number of officers authorized in all commissioned grades is—	The authorized strength for general officers is—
50,000	350
60,000	400
70,000	425
80,000	450
90,000	475
100,000	495
110,000	510
120,000	520
130,000	530
140,000	540
150,000	550.

If the total number of officers authorized in all commissioned grades is between two of the figures listed in the first column of the table, the authorized strength for general officers is determined by mathematical interpolation between the respective authorized strengths listed in the table. If such number is more than 150,000, the Secretary of the Army shall fix the corresponding authorized strength in general officers in general conformity with the table.

"(b) Whenever the number of general officers is less than the number authorized under this section, the difference between the two numbers may be applied to increase the number authorized under section 523 of this title for any lower grade to which such section is applicable.

Ante, p. 2842.

"(c) In time of war, or of national emergency declared by Congress or the President after November 30, 1980, the President may suspend the operation of any provision of this section. So long as such war or national emergency continues, any such suspension may be extended by the President. Any such suspension shall, if not sooner ended, end on the last day of the two-year period beginning on the date on which the suspension (or the last extension thereof) takes effect or on the last day of the one-year period beginning on the date of the termination of the war or national emergency, whichever occurs first. With respect to the end of any such suspension, the preceding sentence supersedes the provisions of title II of the National Emergencies Act (50 U.S.C. 1621-1622) which provide that powers or authorities exercised by reason of a national emergency shall cease to be exercised after the date of the termination of the emergency.".

(b) Section 8202, relating to the authorized strength of the Air Force in officers on active duty in certain grades, is amended to read as follows:

"§ 8202. Air Force: strength in grade; general officers

"(a) The authorized strength of the Air Force in general officers on active duty on the last day of each fiscal year, exclusive of officers on active duty for training only and officers serving with other departments or agencies on a reimbursable basis, is based on the total number of officers authorized for the Air Force in all commissioned grades under section 521 of this title on active duty as follows:

"If the total number of officers authorized in all commissioned grades is—	The authorized strength for general officers is—
50,000	312
60,000	324
70,000	336
80,000	349
90,000	363
100,000	380
110,000	398
120,000	416
130,000	434
140,000	452
150,000	470
160,000	478
170,000	486
180,000	495.

If the actual strength in commissioned officers on active duty is between two of the figures listed in the first column of the table, the authorized strength for general officers is determined by mathematical interpolation between the respective authorized strengths listed in the table. If such strength is more than 180,000, the Secretary of the Air Force shall fix the corresponding strength in general officers in general conformity with the table.

Ante, p. 2842.

"(b) Whenever the number of general officers is less than the number authorized under this section, the difference between the two numbers may be applied to increase the number authorized under section 523 of this title for any lower grade to which such section is applicable.

"(c) In time of war, or of national emergency declared by Congress or the President after November 30, 1980, the President may suspend the operation of any provision of this section. So long as such war or national emergency continues, any such suspension may be extended by the President. Any such suspension shall, if not sooner ended, end on the last day of the two-year period beginning on the date on which the suspension (or the last extension thereof) takes effect or on the last day of the one-year period beginning on the date of the termination of the war or national emergency, whichever occurs first. With respect to the end of any such suspension, the preceding sentence supersedes the provisions of title II of the National Emergencies Act (50 U.S.C. 1621-1622) which provide that powers or authorities exercised by reason of a national emergency shall cease to be exercised after the date of the termination of the emergency.".

REPEAL OF SECTIONS RELATING TO APPOINTMENTS OF COMMISSIONED OFFICERS IN THE REGULAR ARMY AND IN THE REGULAR AIR FORCE

SEC. 204. The following sections of chapters 335 and 835, relating to appointments in the Regular Army and Regular Air Force, are repealed: sections 3284 and 8284, 3285 and 8285, 3286 and 8286, 3287 and 8287, 3288 and 8288, 3289 and 8289, 3290, 3291, 3292, 3293 and 8293, 3294 and 8294, 3295 and 8295, 3296 and 8296, 3297 and 8297, 3298 and 8298, 3299 and 8299, 3300 and 8300, 8301, 3302 and 8302, 3303 and 8303, 3305 and 8305, 3306 and 8306, 3307 and 8307, 3308 and 8308, 3309 and 8309, 3312 and 8312, 3313 and 8313, and 3314 and 8314.

SERVICE CREDIT UPON ORIGINAL APPOINTMENT OF RESERVE COMMISSIONED OFFICERS

SEC. 205. (a) Section 3353, relating to the appointment and service credit of reserve commissioned officers of the Army, is amended to read as follows:

"§ 3353. Commissioned officers: service credit upon original appointment

10 USC 3353.

"(a)(1) For the purpose of chapters 337 and 363 of this title and under regulations prescribed by the Secretary of Defense, a person receiving an original appointment as a reserve commissioned officer in the Army shall be credited at the time of such appointment with any service as a commissioned officer, except service as a commissioned warrant officer, that he performed in an active status in any armed force before such appointment.

10 USC 3351 *et seq.*, 3843 *et seq.*

"(2) The Secretary of Defense shall prescribe regulations to authorize the Secretary of the Army to limit the amount of prior commissioned service with which a person receiving an original appointment may be credited under paragraph (1), or to deny any such credit, in the case of a person who at the time of such appointment is credited with constructive service under subsection (b).

"(b)(1) Under regulations prescribed by the Secretary of Defense, the Secretary of the Army shall credit a person who is receiving an original appointment as a reserve commissioned officer in the Army and who has advanced education or training or special experience with constructive service for such education, training, or experience as follows:

"(A) One year for each year of advanced education beyond the baccalaureate degree level, for persons appointed in officer categories requiring such advanced education or an advanced degree as a prerequisite for appointment as a commissioned officer. (Except as provided in clause (E), in determining the years of constructive service under this clause, the Secretary of the Army shall grant credit for only the number of years normally required to complete the advanced education or receive the advanced degree.)

"(B) Credit for any period of advanced education in a health profession (other than medicine and dentistry) beyond the baccalaureate degree level which exceeds the basic education criteria for appointment as an officer, if such advanced education will be directly used by the Army.

"(C) Additional credit of (i) not more than one year for internship or equivalent graduate medical, dental, or other formal professional training required by the armed forces, and (ii) not more than one year for each additional year of such graduate-level training or experience creditable toward certification in a specialty required by the Army.

"(D) Additional credit, in unusual cases, based on special experience in a particular field.

"(E) Additional credit of one year for advanced education in a health profession if the number of years of baccalaureate education completed by 75 percent or more of the students entering advanced training in that health profession exceeds, by one or more, the minimum number of years of preprofessional education required by a majority of institutions which award degrees in that health profession. The percentage of such persons shall be computed on an annual basis for each health profession from the data for the year in which the person being appointed was admitted to a professional school. However, a person may not receive additional credit under this clause if the amount of his baccalaureate education does not exceed, by one or more, the minimum number of years of preprofessional education required by a majority of institutions which award degrees for that health profession, determined on the basis prescribed in the preceding sentence.

"(F) Additional credit for experience as a physician or dentist, if appointed in the Medical or Dental Corps.

"(2) Except as authorized by the Secretary of the Army in individual cases and under regulations prescribed by the Secretary of Defense in the case of a medical or dental officer, the amount of constructive service credited an officer under this subsection may not exceed the amount required in order for the officer to be eligible for an original appointment in the grade of major.

"(3) Constructive service credited an officer under this subsection is in addition to any service credited that officer under subsection (a) and shall be credited at the time of the original appointment of the officer.

"(c) Constructive service may not be credited under subsection (b) for education, training, or experience obtained while serving in an active status.

"(d) If the Secretary of Defense determines that the number of qualified judge advocates serving on active duty in the Army in grades below major is critically below the number needed by the Army in such grades, he may authorize the Secretary of the Army to credit any person receiving an original appointment in the Judge Advocate General's Corps with a view to an immediate call to active duty with a period of constructive service in such an amount (in addition to any period of service credited such person under subsection (b)(1)) as will result in the grade of such person being that of captain and the date of rank of such person being junior to that of all other officers of the same grade serving on active duty.".

(b) Section 8353, relating to the appointment and service credit of reserve commissioned officers of the Air Force, is amended to read as follows:

10 USC 8353.

"§ 8353. Commissioned officers: service credit upon original appointment

10 USC 3351 *et seq.*, 3843 *et seq.*

"(a)(1) For the purpose of chapters 337 and 363 of this title and under regulations prescribed by the Secretary of Defense, a person receiving an original appointment as a reserve commissioned officer in the Air Force shall be credited at the time of such appointment with any service as a commissioned officer, except service as a commissioned warrant officer, that he performed in an active status in any armed force before such appointment.

Regulations.

"(2) The Secretary of Defense shall prescribe regulations to authorize the Secretary of the Air Force to limit the amount of prior commissioned service with which a person receiving an original appointment may be credited under paragraph (1), or to deny any such credit, in the case of a person who at the time of such appointment is credited with constructive service under subsection (b).

"(b)(1) Under regulations prescribed by the Secretary of Defense, the Secretary of the Air Force shall credit a person who is receiving an original appointment as a reserve commissioned officer in the Air Force and who has advanced education or training or special experience with constructive service for such education, training, or experience as follows:

"(A) One year for each year of advanced education beyond the baccalaureate degree level, for persons appointed in officer categories requiring such advanced education or an advanced degree as a prerequisite for appointment as a commissioned officer. (Except as provided in clause (E), in determining the years of constructive service under this clause, the Secretary of the Air Force shall grant credit for only the number of years normally required to complete the advanced education or receive the advanced degree.)

"(B) Credit for any period of advanced education in a health profession (other than medicine and dentistry) beyond the baccalaureate degree level which exceeds the basic education criteria for appointment as an officer, if such advanced education will be directly used by the Air Force.

"(C) Additional credit of (i) not more than one year for internship or equivalent graduate medical, dental, or other formal professional training required by the armed forces, and (ii) not more than one year for each additional year of such graduate-level training or experience creditable toward certification in a specialty required by the Air Force.

"(D) Additional credit, in unusual cases, based on special experience in a particular field.

"(E) Additional credit of one year for advanced education in a health profession if the number of years of baccalaureate education completed by 75 percent or more of the students entering advanced training in that health profession exceeds, by one or more, the minimum number of years of preprofessional education required by a majority of institutions which award degrees in that health profession. The percentage of such persons shall be computed on an annual basis for each health profession from the data for the year in which the person being appointed was admitted to a professional school. However, a person may not receive additional credit under this clause if the amount of his baccalaureate education does not exceed, by one or more, the minimum number of years of preprofessional education required by a majority of institutions which award degrees for that health profession, determined on the basis prescribed in the preceding sentence.

"(F) Additional credit for experience as a physician or dentist, if appointed with a view to designation as a medical or dental officer.

"(2) Except as authorized by the Secretary of the Air Force in individual cases and under regulations prescribed by the Secretary of Defense in the case of an officer appointed with a view to designation as a medical or dental officer, the amount of constructive service credited an officer under this subsection may not exceed the amount required in order for the officer to be eligible for an original appointment in the grade of major.

"(3) Constructive service credited an officer under this subsection is in addition to any service credited that officer under subsection (a) and shall be credited at the time of the original appointment of the officer.

"(c) Constructive service may not be credited under subsection (b) for education, training, or experience obtained while serving in an active status.

"(d) If the Secretary of Defense determines that the number of qualified judge advocates serving on active duty in the Air Force in grades below major is critically below the number needed by the Air Force in such grades, he may authorize the Secretary of the Air Force to credit any person receiving an original appointment in the Judge Advocate General's Corps with a period of constructive service in such an amount (in addition to any period of service credited such person under subsection (b)(1)) as will result in the grade of such person being that of captain and the date of rank of such person being junior to that of all other officers of the same grade serving on active duty.".

EXCLUSION OF RESERVE OFFICERS ON THE ACTIVE-DUTY LIST FROM CERTAIN PROVISIONS RELATING TO APPOINTMENTS OF RESERVE OFFICERS

Sec. 206. (a) Chapter 337, relating to appointments as reserve officers of the Army, is amended by adding at the end thereof the following new section:

10 USC 3396.

"§ 3396. Exclusion of officers on the active-duty list

"The preceding sections of this chapter, except section 3353, do not apply to reserve officers on the active-duty list.".

(b) Chapter 837, relating to appointments as reserve officers of the Air Force, is amended by adding at the end thereof the following new section:

"§ 8396. Exclusion of officers on the active-duty list

"The preceding sections of this chapter, except section 8353, do not apply to reserve officers on the active-duty list.".

REPEAL OF SECTIONS RELATING TO TEMPORARY APPOINTMENTS OF COMMISSIONED OFFICERS

Sec. 207. The following sections of chapters 339 and 839, relating to temporary appointments of commissioned officers, are repealed: sections 3441 and 8441, 3442 and 8442, 3444 and 8444, 3445 and 8445, 3447 and 8447, 3451 and 8451, and 3452 and 8452.

REPEAL OF SECTIONS RELATING TO TEMPORARY APPOINTMENTS OF WARRANT OFFICERS

Sec. 208. Sections 3448 and 8448, relating to temporary appointments of warrant officers, and 3449 and 8449, relating to temporary promotions of warrant officers, are repealed.

GRADE IN WHICH RESERVE OFFICERS ARE ORDERED TO ACTIVE DUTY

Repeal.

Sec. 209. (a) Sections 3494 and 8494, relating to the grade in which reserve commissioned officers of the Army and Air Force are ordered to active duty, are repealed.

RETIRED REGULAR MEMBERS ORDERED TO ACTIVE DUTY

Repeal.

Sec. 210. Sections 3504 and 8504, relating to the ordering of retired regular members of the Army and Air Force to active duty, are repealed.

REPEAL OF SECTIONS RELATING TO RANK AND COMMAND

SEC. 211. The following sections of chapters 345 and 845, relating to rank and command, are repealed: sections 3571 and 8571, 3573 and 8573, 3574 and 8574, and 3582 and 8582.

COMMAND BY COMMISSIONED OFFICERS OF THE ARMY MEDICAL DEPARTMENT AND BY COMMISSIONED OFFICERS OF THE AIR FORCE IN CERTAIN CATEGORIES

SEC. 212. (a) Section 3579, relating to the exercise of command by officers of the Army Medical Department, is amended—

(1) by striking out ", other than an officer of the Army Nurse Corps or Army Medical Specialist Corps," in subsection (a);

(2) by striking out subsection (b); and

(3) by redesignating subsection (c) as subsection (b).

(b) The text of section 8579, relating to the exercise of command by Air Force officers in certain designated categories, is amended to read as follows:

"An officer designated as a medical, dental, veterinary, medical service, or biomedical sciences officer or as a nurse is not entitled to exercise command because of rank, except within the categories prescribed in subsection (a), (b), (c), (d), (e), (f), or (i) of section 8067 of this title, or over persons placed under his charge."

Post, p. 2916.

REPEAL OF CHAPTERS PROVIDING FOR INVOLUNTARY SEPARATION OF REGULAR OFFICERS FOR UNSATISFACTORY PERFORMANCE OF DUTY AND FOR CERTAIN OTHER REASONS

SEC. 213. Chapters 359 and 859, relating to separation from the Regular Army and from the Regular Air Force for substandard performance of duty, and 360 and 860, relating to separation from the Regular Army and from the Regular Air Force for moral or professional dereliction or in interests of national security, are repealed.

10 USC 3781 *et seq.*, 8781 *et seq.*
10 USC 3791 *et seq.*, 8791 *et seq.*

REPEAL OF SECTIONS AUTHORIZING DISCHARGE OF REGULAR OFFICERS DURING THREE-YEAR PROBATIONARY PERIOD

SEC. 214. Sections 3814 and 8814, relating to the discharge of regular commissioned officers with less than three years of commissioned service, are repealed.

RETENTION IN AN ACTIVE STATUS OF CERTAIN RESERVE OFFICERS UNTIL AGE 60

SEC. 215. (a) Section 3855, relating to the retention in active status of certain reserve officers until age 60, is amended—

(1) by inserting "the podiatry specialty in the Medical Allied Sciences Section of the Medical Service Corps, the Optometry Section of the Medical Service Corps," after "Veterinary Corps," and

(2) by adding at the end thereof the following new sentence: "An officer may be retained in an active status under the authority of this section only to fill a mission-based requirement.".

(b) Section 8855, relating to the retention in active status of certain officers until age 60, is amended—

(1) by inserting "optometrist, podiatrist," after "veterinary officer,";

(2) by striking out "Air Force medical specialist" and inserting in lieu thereof "biomedical sciences officer"; and

(3) by adding at the end thereof the following new sentence: "An officer may be retained in an active status under the authority of this section only to fill a mission-based requirement.".

REPEAL OF CHAPTERS RELATING TO RETIREMENT FOR AGE OF REGULAR COMMISSIONED OFFICERS

SEC. 216. Chapters 365 and 865, relating to retirement for age of regular commissioned officers, are repealed.

REPEAL OF SECTIONS RELATING TO RETIREMENT FOR LENGTH OF SERVICE

10 USC 3883 *et seq.*, 8883 *et seq.*

SEC. 217. (a) The following sections of chapters 367 and 867, relating to retirement for length of service, are repealed: sections 3913 and 8913, 8915, 3916 and 8916, 3919 and 8919, 3921 and 8921, 3922 and 8922, 3923 and 8923, and 3927 and 8927.

DIRECTOR OF ADMISSIONS OF UNITED STATES MILITARY ACADEMY; REGISTRAR OF THE UNITED STATES AIR FORCE ACADEMY

SEC. 218. (a) Section 4336, relating to the director of admissions at the United States Military Academy, is amended by striking out subsection (c).

(b) Section 9336, relating to the registrar at the United States Air Force Academy, is amended by striking out subsection (c).

PART B—MISCELLANEOUS AMENDMENTS

AUTHORITY TO ESTABLISH NEW STAFF CORPS IN THE ARMY

SEC. 231. Section 3064, relating to the special branches of the Army, is amended—

(1) in subsection (a)—

(A) by striking out "and" at the end of clause (2);

(B) by striking out the period at the end of clause (3) and inserting in lieu thereof "; and"; and

(C) by adding at the end thereof the following new clause:

"(4) such other special branches as may be established by the Secretary of the Army under subsection (b).";

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following new subsection (b):

"(b) The Secretary of the Army may establish special branches for the Army and may appoint commissioned officers in, and may assign members to, such branches.".

PERSONNEL DETAILED OUTSIDE THE DEPARTMENT OF DEFENSE TO BE COUNTED IN COMPUTING STRENGTHS

Repeals.

SEC. 232. Sections 3230 and 8230, relating to personnel detailed outside the Department of Defense, are repealed.

OFFICERS SERVING AS CHIEF OF STAFF TO THE PRESIDENT

SEC. 233. (a) Section 3531, relating to the appointment of an Army general officer as the Chief of Staff to the President, is repealed. Repeal. 10 USC 3531.

(b) Section 8531, relating to the appointment of an Air Force general officer as the Chief of Staff to the President, is repealed. Repeal.

GRADE OF THE SPECIAL ASSISTANT TO COMPTROLLER OF THE DEPARTMENT OF DEFENSE

SEC. 234. Section 3532, relating to the grade of the Special Assistant to the Comptroller of the Department of Defense, is repealed. Repeal.

RANK, PAY, AND ALLOWANCES OF ASSISTANT TO THE CHIEF OF ENGINEERS

SEC. 235. Section 3535, relating to the rank, pay, and allowances of the Assistant to the Chief of Engineers in charge of civil works, is repealed. Repeal.

REPEAL OF SECTIONS AUTHORIZING TERMINATION OF APPOINTMENT OR ENLISTMENT OF REGULAR FEMALE MEMBERS

SEC. 236. Section 3818 and 8818, relating to the termination of appointments and enlistments of female members, are repealed.

REPEAL OF PROHIBITION ON WOMEN BEING ENLISTED AS AVIATION CADETS IN THE REGULAR AIR FORCE

SEC. 237. Section 8257, relating to qualifications of aviation cadets in the Regular Air Force, is amended by striking out "male" both places it appears in such section.

TITLE III—AMENDMENTS TO SUBTITLE C OF TITLE 10, UNITED STATES CODE—THE NAVY AND MARINE CORPS

PART A—PERMANENT GRADE OF COMMODORE ADMIRAL IN THE NAVY

ESTABLISHMENT OF PERMANENT COMMODORE ADMIRAL GRADE

SEC. 301. Section 5501 is amended to read as follows:

"§ 5501. Navy: grades above chief warrant officer, W-4

"The commissioned grades in the Navy above the grade of chief warrant officer, W-4, are the following:

"(1) Admiral.
"(2) Vice admiral.
"(3) Rear admiral.
"(4) Commodore admiral.
"(5) Captain.
"(6) Commander.
"(7) Lieutenant commander.
"(8) Lieutenant.
"(9) Lieutenant (junior grade).
"(10) Ensign.".

NUMBER OF NAVY STAFF CORPS OFFICERS SERVING IN GRADES OF COMMODORE ADMIRAL AND REAR ADMIRAL

SEC. 302. Section 5444 is amended to read as follows:

10 USC 5444.

"§ 5444. Navy: staff corps officers on active duty; commodore admirals and rear admirals

"(a) The total number of officers serving on active duty in the grades of commodore admiral and rear admiral in the staff corps of the Navy excluding any flag officer serving as a Chief of Bureau, may not exceed a number appropriate to the total number of officers in all the staff corps serving on active duty, as set forth in the following table. If the total number of officers on active duty in all the staff corps falls between two strengths shown in the first column of the table, the number of rear admirals and commodore admirals is determined by proportionate interpolation between the numbers of the two strengths.

"Total number of officers in all the staff corps on active duty:	Number of rear admirals and commodore admirals
9,000	44
13,000	53
19,000	57
27,000	61
32,000	64
37,000	67

Computation.

"(b) The Secretary of the Navy, whenever the needs of the service require but at least once annually, shall compute the number of officers authorized under subsection (a) for the grades of commodore admiral and rear admiral in all the staff corps. The number so computed is the number of officers on active duty specified for the grades of commodore admiral and rear admiral in all the staff corps. If the Secretary determines at the time of making any such computation that the number of officers required to meet the needs of the service in the grades of commodore admiral and rear admiral for all the staff corps is less than the specified number for such grades for all the staff corps, the lesser number becomes the specified number for such grades for all the staff corps and the reduction may be applied as an increase in the authorized number for any lower grade of the Navy under section 523 of this title.

Ante, p. 2842.

"(c) Each officer in a staff corps who serves as a chief of bureau and who, before or during that service, is appointed to the grade of commodore admiral or rear admiral under section 624 of this title shall, upon termination of his appointment as chief of bureau, be carried in excess of the prescribed number until the next vacancy occurs in his grade in his corps.

Ante, p. 2857.

"(d) The prescribed number of officers computed or determined under this section may not be varied between computations.

"(e) For the purpose of this section, each officer is counted in the grade in which he is serving, whether under a permanent or a temporary appointment. However, each officer serving under an appointment in the grade of admiral or vice admiral and each officer in a grade to which he was appointed under section 603 of this title is

Ante, p. 2850.

counted in the grade he would hold had he not been so appointed or promoted.

"(f) The Secretary shall prescribe the number of rear admirals in each staff corps. The total of the prescribed numbers of rear admirals for all the staff corps may not exceed 50 percent of the total number computed under subsection (b). The Secretary shall further prescribe the number of commodore admirals in each staff corps. The prescribed number of rear admirals for any staff corps may not exceed the prescribed number of commodore admirals for that staff corps.

Staff corps, limitation.

"(g) For the purpose of computing the total number of flag officers in the staff corps of the Navy, flag officers of the Judge Advocate General's Corps shall be considered additional numbers in grade.".

PART B—AMENDMENTS RELATING TO OFFICER STRENGTH AND DISTRIBUTION IN GRADE

REPEAL OF SECTIONS RELATING TO THE STRENGTH OF THE NAVY AND MARINE CORPS

SEC. 311. (a) The following sections of chapter 531, relating to the authorized strength of the Navy and Marine Corps, are repealed: sections 5401, 5402, 5403, 5404, 5405, 5406, 5407, 5408, 5409, 5412, 5415, and 5417.

(b) The heading of such chapter is amended to read as follows:

"CHAPTER 531—STRENGTH OF NAVAL RESERVE AND MARINE CORPS RESERVE".

PERSONNEL DETAILED OUTSIDE THE DEPARTMENT OF DEFENSE TO BE COUNTED IN COMPUTING STRENGTH

SEC. 312. Section 5416, relating to personnel detailed outside the Department of Defense, is repealed.

Repeal.
10 USC 5416.

AMENDMENTS RELATING TO NUMBER AND DISTRIBUTION IN GRADE OF FLAG AND GENERAL OFFICERS

SEC. 313. (a) Section 5441, relating to the terms "prescribed number" and "vacancy", is amended by striking out "or combination of grades" each place it appears.

(b) Section 5442, relating to the number of Navy line officers on active duty, is amended to read as follows:

"§ 5442. Navy: line officers on active duty; commodore admirals and rear admirals

"(a) Of the total number of officers serving on active duty in the line of the Navy in the grade of ensign and above (excluding officers in categories specified in section 523(b) of this title), the number of officers who may serve in the grades of commodore admiral and rear admiral may not, except as provided in subsection (b), exceed a number appropriate to the number set forth in the following table. If the total number of officers serving on active duty in the line of the Navy in the grade of ensign and above (excluding officers in categories specified in section 523(b) of this title) falls between two strengths shown in the first column of the table, the number for the grades of commodore admiral and rear admiral is determined by proportionate interpolation between the respective numbers for the two strengths.

"Total number of line officers serving on active duty in the grade of ensign and above (excluding officers carried as additional numbers in grade):	Number of commodore admirals and rear admirals
32,000	215
40,000	222
50,000	228
60,000	237
70,000	244
80,000	252
90,000	259
100,000	262
125,000	291
150,000	305
175,000	323
200,000	342
250,000	379.

Computation.

"(b)(1) The Secretary of the Navy, whenever the needs of the service require, but at least once annually, shall compute the number of officers authorized under subsection (a) for the grades of commodore admiral and rear admiral. The number so computed for such grades shall be the number of officers on active duty (excluding officers in categories specified in section 523(b) of this title) specified for such grades. If at the time of making computations under this subsection the Secretary determines that the number of officers required to meet the needs of the service in the grades of commodore admiral and rear admiral is less than the specified number for such grades, the lesser number becomes the specified number for such grades. Any reduction under this subsection may be applied as an increase in the prescribed number for any lower grade.

Ante, p. 2842.

"(2) When making a computation under this subsection, the Secretary shall prescribe a number for the grade of rear admiral. The number prescribed for the grade of commodore admiral is the number specified in this subsection less the number prescribed for the grade of rear admiral.

"(c)(1) Whenever the needs of the service require but at least once annually, the Secretary of the Navy shall specify the total number of officers designated for engineering duty, aeronautical engineering duty, and special duty who may be serving on active duty in the grades of commodore admiral and rear admiral. Such number may not exceed 13 percent of the number of officers specified in subsection (b) for the grades of commodore admiral and rear admiral. If at the time of making a specification under this subsection, the Secretary determines that the total number of such officers required to meet the needs of the service in the grades of commodore admiral and rear admiral is less than the specified number for such grades as specified under this subsection, the lesser number becomes the specified numbers for officers in such grades. Any reduction under this subsection may be applied as an increase in the prescribed number for any lower grade.

Limitation.

"(2) When making a specification under this subsection, the Secretary shall prescribe a number for the grade of rear admiral. The number prescribed for the grade of commodore admiral shall be the number specified in this subsection less the number prescribed for the grade of rear admiral.

"(3) For the purpose of subsection (a), all officers designated for engineering duty, aeronautical engineering duty, and special duty are additional numbers in grade.

"(d) The prescribed numbers of officers computed or determined under this section may not be varied between computations. However, the prescribed number for a grade is temporarily increased during the period between one computation and the next succeeding computation by—

"(1) the number of officers of the Naval Reserve ordered to active duty in that grade during that period; and

"(2) the number of officers of that grade for whom vacancies exist in the next higher grade but whose promotion has been delayed for any reason.

"(e) For the purpose of this section, each officer is counted in the grade in which he is serving, whether under a permanent or a temporary appointment. However, each officer serving under an appointment in the grade of admiral or vice admiral, and each officer serving in the grade of commodore admiral or rear admiral who was appointed under section 603 of this title or promoted under section *Ante*, p. 2850. 624 of this title, is counted in the grade he would hold had he not been *Ante*, p. 2857. so appointed or promoted.

"(f) The sum of the prescribed numbers for the grade of rear admiral under subsections (b) and (c) may not exceed 50 percent of the sum of the numbers specified under such subsections for the grades of commodore admiral and rear admiral.".

(c)(1) Subsection (a) of section 5443, relating to the number of 10 USC 5443. officers of the Marine Corps on active duty, is amended to read as follows:

"(a) Except as provided in subsection (b), the number of officers in the Marine Corps who may serve on active duty in the grades of brigadier general and major general may not exceed a number appropriate to the total number of officers serving on active duty in the Marine Corps in the grade of second lieutenant or above as set forth in the following table. If the total number of officers serving on active duty in the grade of second lieutenant or above (excluding officers in categories specified in section 523(b) of this title) falls *Ante*, p. 2842. between two strengths shown in the first column of the table, the number for the grades of brigadier general and major general is determined by interpolation between the respective numbers for the two strengths.

"Total number of officers serving on active duty in the grade of second lieutenant and above:	Number of brigadier generals and major generals
10,000	58
12,500	62
15,000	69
17,500	72
20,000	75
22,500	79
25,000	82
27,500	84
30,000	85
32,500	87
35,000	89".

(2) The last sentence of subsection (b) of such section is amended by striking out "subsection (c)" and inserting in lieu thereof "section 523(a)(1) of this title".

(3) Subsections (c), (d), (e), and (f) of such section are repealed. **Repeals.**

(4) Subsection (g) of such section is redesignated as subsection (c) and is amended by striking out clause (1) and redesignating clauses (2) and (3) as clauses (1) and (2), respectively.

(5) Subsection (h) of such section is redesignated as subsection (d), and the second sentence of such subsection is amended to read as follows: "However, each officer serving under an appointment in the grade of general or lieutenant general, and each officer serving in the grade of brigadier general or major general who was appointed under section 603 of this title, is counted in the grade he would hold had he not been so appointed or promoted.".

Ante, p. 2850.

(6) The heading of such section is amended to read as follows:

"§ 5443. Marine Corps: officers on active duty; brigadier generals and major generals".

Repeals.
10 USC 5445.

(d)(1) Section 5445, relating to the suspension of sections 5442, 5443, and 5444, is repealed.

(2) Section 5447, relating to the permanent grade distribution of Navy line officers on the active list, is repealed.

(3) Section 5448, relating to the permanent grade distribution of Marine Corps officers of the active list, is repealed.

(4) Section 5449, relating to the number of Navy staff corps officers on the active list in the permanent grade of rear admiral, is repealed.

(e) Section 5457(a), relating to the authorized strength of the Naval Reserve in officers in an active status in the grade of rear admiral, is amended—

(1) by striking out "grade of rear admiral" and inserting in lieu thereof "grades of commodore admiral and rear admiral"; and

(2) by adding at the end thereof the following new sentence: "Not more than 50 percent of the officers in an active status authorized under this subsection may serve in the grade of rear admiral.".

REPEAL OF SECTIONS RELATING TO LINEAL LISTS

SEC. 314. Sections 5504, relating to the maintenance of lineal lists, and 5505, relating to changes on the position on the lineal list of reserve officers, are repealed.

PART C—AMENDMENTS RELATING TO ORIGINAL APPOINTMENTS OF COMMISSIONED OFFICERS IN THE NAVY AND MARINE CORPS

REPEAL OF CERTAIN SECTIONS OF CHAPTER 539 RELATING TO ORIGINAL APPOINTMENTS IN THE NAVY AND MARINE CORPS SUPERSEDED BY NEW CHAPTER 36

SEC. 321. The following sections of chapter 539, relating to original appointments in the Navy and Marine Corps, are repealed: sections 5571, 5572, 5573a, 5574, 5575, 5576, 5577, 5578, 5578a, 5579, 5580, 5583, 5584, and 5586.

REPEAL OF SECTION PROVIDING FOR APPOINTMENT OF GRADUATES OF THE UNITED STATES NAVAL ACADEMY

SEC. 322. Section 5573, relating to appointment of graduates of the Naval Academy, is repealed.

REPEAL OF SECTIONS LIMITING NUMBER OF ENSIGNS APPOINTED ANNUALLY IN CERTAIN STAFF CORPS

SEC. 323. (a) Section 5591, relating to the maximum number of ensigns that may be appointed annually in the Supply Corps of the Regular Navy, is repealed.

10 USC 5591.

(b) Section 5592, relating to the maximum number of ensigns that may be appointed annually in the Civil Engineer Corps of the Regular Navy, is repealed.

(c) Section 5593, relating to the maximum number of ensigns that may be appointed annually in the Medical Service Corps of the Regular Navy, is repealed.

(d) Section 5594, relating to the maximum number of ensigns that may be appointed annually in the Nurse Corps of the Regular Navy, is repealed.

(e) Section 5595, relating to restrictions on the appointment of former midshipmen and cadets in the Regular Marine Corps, is repealed.

ORIGINAL APPOINTMENTS IN THE REGULAR NAVY OF OFFICERS DESIGNATED FOR ENGINEERING, AERONAUTICAL, AND SPECIAL DUTY

SEC. 324. (a) Subsection (a) of section 5587, relating to officers designated for engineering, aeronautical engineering, and special duty, is amended to read as follows:

"(a) Persons may be originally appointed in the line of the Navy as regular officers designated for engineering duty, aeronautical engineering duty, or special duty.".

(b) Subsection (b) of such section is amended by striking out "any officer on the active list" and inserting in lieu thereof "a regular officer".

(c) The third sentence of subsection (c) of such section is amended by striking out "public information, psychology," and inserting in lieu thereof "public affairs, psychology, geophysics, cryptography,".

(d) Subsection (d) of such section is amended by striking out "are additional numbers in grade. They".

ORIGINAL APPOINTMENTS OF REGULAR OFFICERS DESIGNATED FOR LIMITED DUTY

SEC. 325. Section 5589, relating to Regular Navy and Regular Marine Corps officers designated for limited duty, is amended—

(1) by striking out that portion of subsection (a) preceding clause (1) and inserting in lieu thereof the following:

"(a) Original appointments as regular officers of the Navy in a grade below lieutenant commander in the line and in staff corps established by the Secretary of the Navy under section 5155(b) of this title and designated by the Secretary for the purposes of this section may be made from—";

Post, p. 2902.

(2) by striking out that portion of subsection (b) preceding clause (1) and inserting in lieu thereof the following:

"(b) Original appointments as regular officers of the Marine Corps in a grade below major may be made from—"; and

(3) by inserting "the qualifications specified in section 532(a) of this title and have" in subsection (c) after "must have".

Ante, p. 2845.

TEMPORARY APPOINTMENTS IN WARRANT OFFICER GRADES AND OF OFFICERS DESIGNATED FOR LIMITED DUTY

SEC. 326. Section 5596, relating to temporary appointments, is amended to read as follows:

10 USC 5596.

"§ 5596. Navy and Marine Corps: temporary appointments of warrant officers and officers designated for limited duty

"(a) Under such regulations as he may prescribe, the Secretary of the Navy may make temporary appointments—

"(1) in warrant officer grades; and

"(2) of officers designated for limited duty in the Regular Navy in grades not above lieutenant and in the Regular Marine Corps in grades not above captain from sources authorized under section 5589 of this title.

Such appointments shall be made by warrant if in the grade of warrant officer, W-1, and by commission if in a higher grade.

"(b) Temporary appointments under this section do not change the permanent, probationary, or acting status of members so appointed, prejudice them in regard to promotion or appointment, or abridge their rights or benefits. A person receiving a temporary appointment under this section may not suffer any reduction in the pay and allowances to which he was entitled because of his permanent status at the time of his temporary appointment, or any reduction in the pay and allowances to which he was entitled under a prior temporary appointment in a lower grade.

Ineligibility.

"(c) The following members of the naval service are ineligible for temporary appointments under this section:

"(1) Retired members.

"(2) Members of the Naval Reserve and the Marine Corps Reserve ordered to active duty for training.

"(3) Members of the Naval Reserve and the Marine Corps Reserve ordered to active duty in connection with organizing, administering, recruiting, instructing, training, or drilling the Naval Reserve or the Marine Corps Reserve.

"(4) Members of the Naval Reserve and the Marine Corps Reserve ordered to temporary active duty to prosecute special work.

"(d) Officers designated for limited duty under subsection (a)(2) may be temporarily appointed by the Secretary of the Navy in a higher grade not above commander in the Regular Navy or lieutenant colonel in the Regular Marine Corps under such regulations as the Secretary may prescribe. Regulations prescribed under this section shall to the greatest extent practicable conform to the procedures prescribed in chapter 36 of this title for selection for promotion and promotion to higher permanent grades.

Ante, p. 2850.

Termination.

"(e) The Secretary of the Navy may terminate any appointment made under this section.".

REPEAL OF SECTIONS AUTHORIZING TEMPORARY APPOINTMENTS OF NAVY AND MARINE CORPS OFFICERS

SEC. 327. Sections 5597, 5598, and 5599, relating to temporary appointments in the Navy and Marine Corps during a war or national emergency, are repealed.

SERVICE CREDIT UPON ORIGINAL APPOINTMENT OF RESERVE COMMISSIONED OFFICERS

SEC. 328. Section 5600, relating to service credit upon original appointment to the Naval Reserve and Marine Corps Reserve, is amended to read as follows:

"§ 5600. Naval Reserve and Marine Corps Reserve: service credit upon original appointment

10 USC 5600.

"(a)(1) Under regulations prescribed by the Secretary of Defense, for the purpose of determining the grade, seniority in grade, and eligibility for promotion of a person who is originally appointed as a commissioned officer in a permanent grade above chief warrant officer, W-4, in the Naval Reserve or Marine Corps Reserve, such person shall be credited at the time of such appointment with any service as a commissioned officer, other than a commissioned warrant officer, that he performed in an active status in any armed force before such appointment.

Regulations.

"(2) The Secretary of Defense shall prescribe regulations to authorize the Secretary of the Navy to limit the amount of prior commissioned service with which a person receiving an original appointment may be credited under paragraph (1), or to deny any such credit, in the case of a person who at the time of such appointment is credited with constructive service under subsection (b).

"(b)(1) Under regulations prescribed by the Secretary of Defense, the Secretary of the Navy shall credit a person who is receiving an original appointment as a reserve commissioned officer in the Navy or Marine Corps and who has advanced education or training or special experience with constructive service for such education, training, or experience as follows:

"(A) One year for each year of advanced education beyond the baccalaureate degree level, for persons appointed in officer categories requiring such advanced education or an advanced degree as a prerequisite for appointment as a commissioned officer. (Except as provided in clause (E), in determining the years of constructive service under this clause, the Secretary of the Navy shall grant credit for only the number of years normally required to complete the advanced education or receive the advanced degree.)

"(B) Credit for any period of advanced education in a health profession (other than medicine and dentistry) beyond the baccalaureate degree level which exceeds the basic education criteria for appointment as an officer, if such advanced education will be directly used by the Navy or Marine Corps, as appropriate.

"(C) Additional credit of (i) not more than one year for internship or equivalent graduate medical, dental, or other formal professional training required by the armed forces, and (ii) not more than one year for each additional year of such graduate-level training or experience creditable toward certification in a specialty required by the Navy or Marine Corps, as appropriate.

"(D) Additional credit, in unusual cases, based on special experience in a particular field.

"(E) Additional credit of one year for advanced education in a health profession if the number of years of baccalaureate education completed by 75 percent or more of the students entering advanced training in that health profession exceeds, by one or more, the minimum number of years of preprofessional education required by a majority of institutions which award degrees in that health profession. The percentage of such persons shall be computed on an annual basis for each health profession from the data for the year in which the person being appointed was admitted to a professional school. However, a person may not receive additional credit under this clause if the amount of his baccalaureate education does not exceed, by one or more, the minimum number of years of preprofessional education required by a majority of institutions which award degrees for that health profession, determined on the basis prescribed in the preceding sentence.

Medical or dental experience, credit.

"(F) Additional credit for experience as a physician or dentist, if appointed in the Medical or Dental Corps.

"(2) Except as authorized by the Secretary of the Navy in individual cases and under regulations prescribed by the Secretary of Defense in the case of a medical or dental officer, the amount of constructive service credited an officer under this subsection may not exceed the amount required in order for the officer to be eligible for an original appointment in the grade of lieutenant commander or major.

"(3) Constructive service credited an officer under this subsection is in addition to any service credited that officer under subsection (a) and shall be credited at the time of the original appointment of the officer.

"(c) Constructive service may not be credited under subsection (b) for education, training, or experience obtained while serving in an active status.

"(d) If the Secretary of Defense determines that the number of qualified judge advocates serving on active duty in the Navy or the Marine Corps in grades below lieutenant commander or major is critically below the number needed by the Navy or Marine Corps, respectively, in such grades, he may authorize the Secretary of the Navy to credit any person to whom this section applies who is receiving an original appointment in the Judge Advocate General's Corps of the Navy, or who is receiving an original appointment in the Marine Corps with a view to designation as a judge advocate, with a period of constructive service in such an amount (in addition to any amount credited such person under subsection (b)) as will result in the grade of such person, if ordered to active duty, being that of lieutenant, in the case of an officer of the Navy, or captain, in the case of an officer of the Marine Corps, and the date of rank of such person being junior to that of all other officers of the same grade serving on active duty in the Navy or Marine Corps, as the case may be."

REPEAL OF SECTION AUTHORIZING DIRECT PROCUREMENT OF ENSIGNS AND SECOND LIEUTENANTS

SEC. 329. Section 6909, relating to direct procurement of ensigns and second lieutenants, is repealed.

PART D—AMENDMENTS RELATING TO PROMOTIONS, SEPARATION, AND INVOLUNTARY RETIREMENT OF COMMISSIONED OFFICERS

REPEAL OF CHAPTER PROVIDING FOR APPOINTMENTS TO FLEET COMMANDS AND OTHER POSITIONS OF IMPORTANCE AND RESPONSIBILITY

10 USC 5231 *et seq.*

SEC. 331. Chapter 517, relating to certain positions carrying the grade of admiral, vice admiral, general, or lieutenant general, is repealed.

ABOLISHMENT FOR REGULAR OFFICERS OF NAVY RUNNING MATE SYSTEM AND ASSIGNMENT OF RUNNING MATES TO RESERVE OFFICERS

SEC. 332. Chapter 541, relating to running mates, is amended to read as follows:

"CHAPTER 541—RUNNING MATES FOR RESERVE OFFICERS

"Sec.
"5665. Naval Reserve and Marine Corps Reserve: active status officers in permanent grades above chief warrant officer, W-4.

"§ 5665. Naval Reserve and Marine Corps Reserve: active status officers in permanent grades above chief warrant officer, W-4

10 USC 5665.

"(a) While in the grade of lieutenant (junior grade) or in a higher grade, each officer in an active status in the Naval Reserve who is not on an active-duty list has a running mate of the same grade from the active-duty list who shall be assigned under regulations prescribed by the Secretary of the Navy.

"(b) While in the grade of first lieutenant or a higher grade, each officer in an active status in the Marine Corps Reserve who is not on an active-duty list has a running mate of the same grade from the active-duty list who shall be assigned under regulations prescribed by the Secretary of the Navy.".

REPEAL OF CHAPTERS RELATING TO SELECTION BOARDS, PROMOTION OF OFFICERS, AND EXAMINATIONS FOR PROMOTIONS

SEC. 333. Chapters 543, relating to selection boards, 545, relating to promotion of officers, and 547, relating to examinations for promotion of officers, are repealed.

10 USC 5701 *et seq.*, 5751 *et seq.*, 5861 *et seq.*

TEMPORARY PROMOTIONS OF CERTAIN NAVY LIEUTENANTS

SEC. 334. Part II of subtitle C is amended by inserting after chapter 541 (as amended by section 332) the following new chapter:

"CHAPTER 544—TEMPORARY APPOINTMENTS

"Sec.
"5721. Temporary promotions of certain Navy lieutenants.

"§ 5721. Temporary promotions of certain Navy lieutenants

"(a) An officer in the line of the Navy in the grade of lieutenant who—

"(1) has a skill in which the Navy has a critical shortage of personnel (as determined by the Secretary of the Navy); and

"(2) is serving in a position (as determined by the Secretary of the Navy) which (A) is designated to be held by a lieutenant commander, and (B) requires that an officer serving in such position have the skill possessed by such officer,

may be temporarily promoted to the grade of lieutenant commander under regulations to be prescribed by the Secretary of the Navy. Appointments under this section shall be made by the President alone.

"(b)(1) An appointment under this section does not change the position on the active-duty list or the permanent, probationary, or acting status of the officer so appointed, prejudice the officer in regard to other promotions or appointments, or abridge the rights or benefits of the officer.

Ante, p. 2842.

"(2) For the purposes of section 523 of this title, an officer holding an appointment under this section is considered as serving in the grade of lieutenant commander.

Temporary promotion.

"(c) A temporary promotion under this section may be made only upon the recommendation of a board of officers convened by the Secretary of the Navy for the purpose of recommending officers for such promotions.

"(d) Each appointment under this section, unless expressly declined, is, without formal acceptance, regarded as accepted on the date such appointment is made, and a member so appointed is entitled to the pay and allowances of the grade of lieutenant commander from the date the appointment is made.

Appointment, termination.

"(e) Unless sooner terminated, an appointment under this section terminates—

"(1) on the date the officer who received the appointment is promoted to the permanent grade of lieutenant commander; or

"(2) on the date the officer is detached from a position described in subsection (a)(2), unless the officer is on a promotion list to the permanent grade of lieutenant commander, in which case the appointment terminates on the date the officer is promoted to that grade.

Authority termination.

"(f) The authority to make appointments under this section terminates on September 30, 1983.".

REPEAL OF SECTIONS RELATING TO INVOLUNTARY RETIREMENT, SEPARATION, AND FURLOUGH

SEC. 335. The following sections of chapter 573 are repealed: sections 6371, 6372, 6373, 6374, 6376, 6377, 6378, 6379, 6380, 6381, 6382, 6384, 6385, 6386, 6387, 6388, 6390, 6392, 6394, 6395, 6396, 6398, 6400, 6401, 6402, and 6407.

RETIREMENT OR DISCHARGE OF REGULAR LIMITED DUTY OFFICERS

10 USC 6383.

SEC. 336. (a) Subsection (a) of section 6383, relating to retirement and discharge of officers designated for limited duty, is amended by striking out "Each officer designated for limited duty on the active list of the Navy or Marine Corps" and inserting in lieu thereof "Except as provided in subsection (i), each regular officer of the Navy or Marine Corps designated for limited duty".

(b) Subsection (b) of such section is amended to read as follows:

"(b) Except as provided in subsection (i), each regular officer on the active-duty list of the Navy serving in the grade of lieutenant commander who is an officer designated for limited duty, and each regular officer on the active-duty list of the Marine Corps serving in the grade of major who is an officer designated for limited duty, who is considered as having failed of selection for promotion to the grade of commander or lieutenant colonel, respectively, for the second time and whose name is not on a promotion list shall be retired, if eligible to retire, or be discharged on the date requested by the officer and approved by the Secretary of the Navy, but not later than the first day of the seventh calendar month beginning after the month in which the President approves the report of the selection board in which the officer is considered as having failed of selection for promotion to the grade of commander or lieutenant colonel for the second time.".

(c) Subsection (c)(1) of such section is amended by striking out "in which he was serving at the time of retirement" and inserting in lieu thereof "determined under section 1370 of this title".

Ante, p. 2876.

(d) Subsections (d) and (e) of such section are amended to read as follows:

"(d) Each regular officer on the active-duty list of the Navy serving in the grade of lieutenant who is an officer designated for limited duty, and each regular officer on the active duty list of the Marine Corps serving in the grade of captain who is an officer designated for limited duty, who is considered as having failed of selection for promotion to the grade of lieutenant commander or major for the second time and whose name is not on a list of officers recommended for promotion shall be honorably discharged on the date requested by the officer and approved by the Secretary of the Navy, but not later than the first day of the seventh calendar month beginning after the month in which the President approves the report of the selection board in which the officer is considered as having failed of selection for promotion to the grade of lieutenant commander or major for the second time.

"(e)(1) Each regular officer on the active-duty list of the Navy serving in the grade of lieutenant (junior grade) who is an officer designated for limited duty, and each regular officer on the active-duty list of the Marine Corps serving in the grade of first lieutenant who is an officer designated for limited duty, who is considered as having failed of selection for promotion to the grade of lieutenant (in the case of an officer of the Navy) or captain (in the case of an officer of the Marine Corps) for the second time shall be honorably discharged on the date requested by the officer and approved by the Secretary of the Navy, but not later than the first day of the seventh calendar month beginning after the month in which the President approves the report of the selection board in which the officer is considered as having failed of selection for promotion to the grade of lieutenant or captain, respectively, for the second time.

"(2) Each regular officer on the active-duty list of the Navy serving in the grade of ensign who is an officer designated for limited duty, and each regular officer on the active-duty list of the Marine Corps serving in the grade of second lieutenant who is an officer designated for limited duty, who is found not qualified for promotion to the grade of lieutenant (junior grade) (in the case of an officer of the Navy) or first lieutenant (in the case of an officer of the Marine Corps) shall be honorably discharged on the date requested by the officer and approved by the Secretary of the Navy, but not later than the first day of the seventh calendar month beginning after the month in which the officer was found not qualified for promotion.".

Repeal.

(e) Subsection (f) of such section is repealed.

(f) Subsection (g) of such section is redesignated as subsection (f) and is amended—

(1) by striking out "retirement or discharge under subsections (b), (d)," in the first sentence and inserting in lieu thereof "discharge under subsection (d)"; and

(2) by striking out "retired or" in the first and second sentences.

(g) Subsection (h) of such section is redesignated as subsection (g).

(h) Such section is further amended by adding at the end thereof the following new subsections:

Separation pay.
Ante, p 2870.

"(h) An officer discharged under this section is entitled, if eligible therefor, to separation pay under section 1174(a) of this title.

"(i) Under such regulations as he may prescribe, whenever the needs of the service require, the Secretary of the Navy may defer the retirement under subsection (a) or (b) of any officer designated for limited duty upon recommendation of a board of officers convened under section 611(b) of this title and with the consent of the officer concerned. An officer whose retirement is deferred under this subsection and who is not subsequently promoted may not be continued on active duty beyond 24 years active commissioned service, if in the grade of lieutenant commander or major or 28 years active commissioned service, if in the grade of commander or lieutenant colonel, or beyond age 62, whichever is earlier.

Ante, p. 2851.

"(j) This section does not apply to officers designated for limited duty under section 5596 of this title.".

Ante, p. 2894.

(i) The heading of such section is amended by striking out the penultimate and ante-penultimate words.

ELIMINATION OF RESERVE OFFICERS FROM ACTIVE STATUS

10 USC 6389.

SEC. 337. (a)(1) Subsection (b) of section 6389, relating to elimination of reserve officers from active status, is amended by inserting "or (f)" in the first sentence after "subsection (a)".

(2) The second sentence of subsection (d) of such section is amended to read as follows: "Each other officer is considered to have for this purpose as much total commissioned service as the years of active commissioned service of any regular officer on the active-duty list of the Navy not restricted in the performance of duty, or any regular officer on the active-duty list of the Marine Corps not restricted in the performance of duty, as appropriate, who has served continuously since original appointment as an ensign on the active-duty list of the Navy or as a second lieutenant on the active-duty list of the Marine Corps, has not lost numbers or precedence, and is, or has been after September 6, 1947, junior to that other officer.".

(3) Subsection (e) of such section is amended to read as follows:

"(e) This section does not apply to women reserve officers or to reserve officers in the Nurse Corps.".

(4) Such section is amended by adding at the end thereof the following new subsection:

"(f)(1) Each officer of the Naval Reserve in an active status in the permanent grade of commodore admiral and each officer of the Marine Corps Reserve in an active status in the permanent grade of brigadier general shall, 30 days after he completes 30 years of service computed under subsection (d), or on the fifth anniversary of the date of his appointment to that grade, whichever is later—

"(A) be transferred to the Retired Reserve, if he is qualified and applies therefor, or

"(B) if he is not qualified or does not apply therefor, be discharged from his reserve component.

An officer who has been recommended for promotion, and who would otherwise be removed from an active status under this section, shall be retained in that status until he is appointed or refused appointment to the next higher grade.

"(2) Each officer of the Naval Reserve in an active status in the permanent grade of rear admiral and each officer of the Marine Corps Reserve in an active status in the permanent grade of major general shall, 30 days after he completes 35 years of service computed under subsection (d), or on the fifth anniversary of the date of his appointment to that grade, whichever is later—

"(A) be transferred to the Retired Reserve, if he is qualified and applies therefor; or

"(B) if he is not qualified or does not apply therefor, be discharged from his reserve component.

"(3) An officer in the Naval Reserve in an active status serving in the grade of commodore admiral or rear admiral and an officer in the Marine Corps Reserve in an active status serving in the grade of brigadier general or major general may be considered for early retirement by a continuation board convened under section 6410 of this title.".

ELIMINATION FROM ACTIVE STATUS IN THE NAVAL RESERVE OF OFFICERS IN THE NURSE CORPS

SEC. 338. Subsection (a) of section 6397, relating to the elimination of reserve officers in the Nurse Corps from active status, is amended to read as follows: 10 USC 6397.

"(a) An officer of the Naval Reserve in any grade in the Nurse Corps may be eliminated from an active status under the conditions prescribed in this title for the separation from the active-duty list of a regular officer in the same grade.".

PART E—AMENDMENTS RELATING TO SPECIFIC POSITIONS

RANK AND PRIVILEGES OF RETIREMENT OF THE DIRECTOR OF THE OFFICE OF BUDGET AND REPORTS

SEC. 341. Section 5064, relating to the Director and Assistant Director of the Office of Budget and Reports, is amended by striking out subsection (b) and redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

GRADE OF THE CHIEF OF DENTAL DIVISION, BUREAU OF MEDICINE AND SURGERY

SEC. 342. Section 5138(a), relating to the grade of the Chief of the Dental Division in the Bureau of Medicine and Surgery, is amended by striking out "in the grade of rear admiral" and inserting in lieu thereof "not below the grade of commodore admiral".

RANK AND GRADE OF JUDGE ADVOCATE GENERAL OF THE NAVY

SEC. 343. Section 5148(b), relating to the Judge Advocate General of the Navy, is amended by adding at the end thereof the following new sentence: "While so serving, the Judge Advocate General of the Navy shall be entitled to the rank and grade of rear admiral or major general, as appropriate, unless entitled to a higher rank and grade under another provision of law.".

ABOLISHMENT OF POSITIONS OF ASSISTANT TO THE CHIEF OF NAVAL PERSONNEL FOR WOMEN AND DIRECTOR OF WOMEN MARINES

SEC. 344. (a) Section 5143, relating to the Assistant to the Chief of Naval Personnel for Women, is repealed. Repeal.

(b) Section 5206, relating to the Director of Women Marines, is repealed. Repeal.

PART F—ABOLISHMENT OF CERTAIN NAVY STAFF CORPS; AUTHORITY TO ESTABLISH NEW STAFF CORPS IN THE NAVY

AUTHORITY TO ESTABLISH NEW STAFF CORPS IN THE NAVY

SEC. 351. Chapter 513, relating to bureaus and certain offices in the Navy, is amended by adding at the end thereof the following new section:

10 USC 5155.

"§ 5155. Staff corps of the Navy

"(a) The staff corps of the Navy are—

"(1) the Medical Corps;

"(2) the Dental Corps;

"(3) the Judge Advocate General's Corps;

"(4) the Chaplain Corps; and

"(5) such other staff corps as may be established by the Secretary of the Navy under subsection (b).

Establishment.

"(b)(1) The Secretary of the Navy may establish staff corps of the Navy in addition to the Medical Corps, the Dental Corps, the Judge Advocate General's Corps, and the Chaplain Corps. The Secretary may designate commissioned officers in, and may assign members to, any such staff corps.

"(2) Subject to subsection (c), the Secretary of the Navy may provide for the appointment of the chief of any staff corps established under this subsection.

"(c) The Secretary of the Navy, whenever the needs of the service require, may convene a selection board under section 611(a) of this title to select an officer in the Nurse Corps or Medical Service Corps for promotion to the grade of commodore admiral or rear admiral, as appropriate. An officer so selected shall be appointed by the President, by and with the advice and consent of the Senate, for a term of four years to serve in the position, respectively, of Director of the Nurse Corps or Director of the Medical Service Corps.".

ABOLISHMENT OF MEDICAL SERVICE CORPS AND NURSE CORPS

Repeals.

SEC. 352. (a) Section 5139, relating to the Medical Service Corps, and 5140, relating to the Nurse Corps, are repealed.

Repeal.

(b) Section 6028, relating to the Medical Service Corps, is repealed.

COMPOSITION OF MEDICAL DEPARTMENT OF THE NAVY

SEC. 353. Section 6027 is amended to read as follows:

10 USC 6027.

"§ 6027. Medical Department: composition

"The Medical Corps and Dental Corps, and such other staff corps as the Secretary of the Navy may establish under section 5155(b) of this title and designate to be in the Medical Department of the Navy, are in the Medical Department of the Navy.".

PART G—AMENDMENTS RELATING TO RETIRED OFFICERS

RIGHT OF RETIRED OFFICERS TO COMMAND

Repeal.

SEC. 361. (a) Section 5955, relating to the withdrawal of retired officers from command, is repealed.

Repeal.

(b) Section 5982, relating to the detail of retired officers to command of ships and squadrons, is repealed.

RECALL AND RETIRED PAY OF RETIRED OFFICERS OF THE REGULAR NAVY AND REGULAR MARINE CORPS

SEC. 362. (a) Section 6481, relating to authority to recall retired officers of the Regular Navy and Regular Marine Corps, is repealed. Repeal. 10 USC 6481.

(b) Section 6487 of such title, relating to the retired pay of retired rear admirals, is repealed. Repeal.

(c) Section 6488, relating to grade upon release from active duty of members receiving wartime appointments or promotions, is repealed. Repeal.

GRADE OF RETIRED MEMBERS WHEN ORDERED TO ACTIVE DUTY

SEC. 363. Section 6483, relating to the grade of retired members when ordered to active duty, is amended by striking out subsection (a) and striking out the subsection designation "(b)" at the beginning of subsection (b).

PART H—MISCELLANEOUS AMENDMENTS

DEFINITIONS

SEC. 371. Section 5001(a), relating to definitions for purposes of subtitle C, is amended by striking out clauses (9) and (10).

REPEAL OF LIMITATION ON ASSIGNMENT OF REGULAR NAVY OFFICERS TO SHORE DUTY

SEC. 372. Section 6018, relating to limitations on assignment of Regular Navy officers to shore duty, is repealed.

REPEAL OF CERTAIN PROVISIONS PROVIDING DIFFERENT TREATMENT OF WOMEN MEMBERS OF THE NAVY AND MARINE CORPS

SEC. 373. (a) Section 5446(b), relating to the applicability of provisions of law providing for grade distribution of officers on active duty, is amended by striking out clauses (1) and (2) and redesignating clauses (3), (4), (5), and (6) as clauses (1), (2), (3), and (4), respectively.

(b) Section 5452, relating to women line officers on active duty in the Navy and women officers on active duty in the Marine Corps, is repealed.

(c) Section 5581, relating to the original appointment of women in the Naval Reserve in the Medical Corps, Judge Advocate General's Corps, the Dental Corps, and the Medical Service Corps, is repealed.

(d) The text of section 5582, relating to transfers between the line and staff corps, is amended to read as follows:

"(a) A regular officer of the Navy in a staff corps in a grade not above lieutenant commander may be appointed in the line of the Navy to the same grade.

"(b) A regular officer in the line of the Navy in a grade not above lieutenant commander may be appointed to the same grade in a staff corps under regulations prescribed by the Secretary of Defense.".

(e) Section 5590, relating to original appointments of women officers in the Regular Navy and Regular Marine Corps, is repealed.

(f) Section 6911, relating to enlistment and designation of aviation cadets, is amended by striking out "male" both places it appears.

(g) Section 6294, relating to the termination of enlistment of women in the Regular Navy and Regular Marine Corps, is repealed.

(h) Section 6393, relating to the termination of appointments of Regular Navy and Regular Marine Corps women officers, is repealed.

REPEAL OF AUTHORIZATION FOR APPOINTMENT OF RESERVE NAVAL AVIATORS AS REGULAR OFFICERS

10 USC 6914.

SEC. 374. Section 6914, relating to the appointment of reserve naval aviators as regular officers, is repealed.

TITLE IV—AMENDMENTS TO TITLE 37, UNITED STATES CODE—PAY AND ALLOWANCES OF THE UNIFORMED SERVICES

PART A—PAY FOR OFFICERS OF THE ARMED FORCES

REPEAL OF ASSIGNMENT OF CERTAIN OFFICERS IN THE NAVY AND MARINE CORPS TO THE PAY GRADE FOR REAR ADMIRALS

SEC. 401. (a) Section 202 of title 37, United States Code, relating to assignment of officers of the Navy and Coast Guard holding certain positions to pay grade of rear admiral of the upper half, is amended—

(1) by striking out subsections (a) through (d);

(2) by redesignating subsection (e) as subsection (a) and striking out "the Navy or" in such subsection;

(3) by redesignating subsection (f) as subsection (b); and

(4) by striking out subsections (g), (h), (i), (j), (k), and (l).

(b) The heading of such section is amended to read as follows:

"§ 202. Pay grades: assignment to; rear admirals (upper half) of the Coast Guard".

COMPUTATION OF CREDITABLE SERVICE

SEC. 402. (a) Subsection (a) of section 205 of title 37, United States Code, relating to service creditable for purposes of computing basic pay, is amended—

(1) by striking out "subsections (b)-(d)" and inserting in lieu thereof "subsections (b) and (c)";

(2) by inserting "and" at the end of clause (6);

(3) by striking out clauses (7) and (8) and redesignating clause (9) as clause (7);

(4) by striking out "section 1402(b)-(d) and section 1402a(a)-(d)" in the second sentence and inserting in lieu thereof "subsections (b), (c), and (d) of section 1402 and subsections (b), (c), and (d) of section 1402a"; and

(5) by striking out "clauses (2)-(9)" in the second sentence and inserting in lieu thereof "clauses (2) through (7)";

(b) Subsection (b) of such section is amended by striking out the second sentence thereof.

(c) Subsection (c) of such section is repealed, and subsections (d) and (e) of such section are redesignated as subsections (c) and (d), respectively.

EFFECTIVE DATE FOR PAY AND ALLOWANCES OF COMMISSIONED OFFICERS RECEIVING PROMOTIONS

Repeal.

SEC. 403. (a) Section 904 of title 37, United States Code, relating to the effective date for pay and allowances for certain promotions of Navy and Marine Corps officers, is repealed.

(b) Section 905 of title 37, United States Code, relating to the effective date for pay and allowances for certain promotions of

Reserve Navy and Marine Corps officers, is amended to read as follows:

"§ 905. Reserve officers of the Navy or Marine Corps not on the active-duty list: effective date of pay and allowances 37 USC 905.

"(a) A reserve officer who is promoted under chapter 549 of title 10 to a grade above lieutenant (junior grade) in the Naval Reserve or above first lieutenant in the Marine Corps Reserve is entitled to the pay and allowances of the grade to which promoted for duty performed from the date on which he becomes eligible for promotion to that grade. 10 USC 5891 *et seq.*

"(b) A reserve officer who is promoted under section 5908 of title 10 to the grade of lieutenant (junior grade) in the Naval Reserve or first lieutenant in the Marine Corps Reserve is entitled to the pay and allowances of the higher grade for duty performed from the date given him as his date of rank.".

(c) Chapter 19 of title 37, United States Code, relating to administration of pay and allowances, is amended by adding at the end thereof the following new section:

"§ 1010. Commissioned officers: promotion; effective date for pay and allowances 37 USC 1010.

"An officer of a uniformed service who is promoted to a grade above second lieutenant or ensign is entitled to the pay and allowances of the grade to which promoted on the effective date of the promotion.".

PART B—MISCELLANEOUS AMENDMENTS RELATING TO PAY AND ALLOWANCES

SUBSISTENCE ALLOWANCE FOR ENLISTED MEMBERS WHILE PERFORMING CERTAIN TRAVEL

SEC. 411. (a) The third sentence of subsection (b) of section 402 of title 37, United States Code, relating to basic allowance for subsistence, is amended to read as follows: "An enlisted member is entitled to the allowance while on an authorized leave of absence, while confined in a hospital, or while performing travel under orders away from his designated post of duty other than field duty or sea duty.".

(b) Subsection (e) of such section is amended by inserting ", including definitions of the terms 'field duty' and 'sea duty' for purposes of the third sentence of subsection (b) of this section" after "of this section".

ELIMINATION OF DIFFERENCES OF TREATMENT IN PROVISION OF INITIAL UNIFORM ALLOWANCE TO OFFICERS

SEC. 412. Section 415 of title 37, United States Code, relating to the initial allowance of officers for purchase of uniforms, is amended—

(1) by striking out "a reserve" in the first sentence of subsection (a) and inserting in lieu thereof "an";

(2) by striking out ", an officer of the Army or the Air Force without specification of component, or a regular officer of an armed force appointed under section 2106 or 2107 of title 10" in subsection (a);

(3) by striking out subsections (c) and (e); and

(4) by redesignating subsection (d) as subsection (c).

REIMBURSEMENT OF EXPENSES IN CONNECTION WITH CERTAIN MESS OPERATIONS

SEC. 413. Chapter 19 of title 37, United States Code, relating to administration of pay and allowances, is amended by adding after section 1010 (as added by section 403) the following new section:

37 USC 1011.

"§ 1011. Mess operation: reimbursement of expenses

"(a) The Secretary of Defense shall, by regulation, establish rates for meals sold at messes to officers, civilians, or enlisted members entitled to a per diem transportation allowance determined under section 404(d)(2) of this title. Such rates shall be established at a level sufficient to provide reimbursement of operating expenses and food costs to the appropriations concerned, but members of the uniformed services and civilians in a travel status receiving a per diem allowance in lieu of subsistence shall be charged at a rate of not less than $2.50 per day.

"(b) For the purposes of this section, payment for meals at the rates established under this section may be made in cash or, in the case of enlisted members or civilian employees, by deduction from pay. Members of organized nonprofit youth groups sponsored at either the national or local level, when extended the privilege of visiting a military installation and permitted to eat in the general mess by the commanding officer of the installation, shall pay the commuted ration cost of such meal or meals.".

REPEAL OF PROVISIONS OF TITLE 37, UNITED STATES CODE, SUPERSEDED BY SECTION 805 OF THE MENTAL HEALTH SYSTEMS ACT

SEC. 414. (a) Sections 302c and 313 of title 37, United States Code, relating to special pay for medical officers of the Public Health Service, are repealed.

(b)(1) Section 311(a) of such title, relating to continuation pay for dentists, is amended by striking out paragraph (2) and redesignating paragraph (3) as paragraph (2).

(2) The heading of such section is amended to read as follows:

"§ 311. Special pay: continuation pay for dentists in the armed forces".

SPECIAL PAY FOR RESERVE MEDICAL OFFICERS

SEC. 415. Section 302 of title 37, United States Code, relating to special pay for medical officers, is amended by adding at the end thereof the following new subsection:

"(h)(1) Any reserve officer who is an officer of the Medical Corps of the Army or the Navy or an officer of the Air Force designated as a medical officer—

"(A) who has served on active duty as a medical officer for not less than one year; and

"(B) is not on active duty under a call or order to active duty for a period of not less than one year;

is entitled to special pay in accordance with this subsection.

"(2) An officer described in paragraph (1) of this subsection is entitled to special pay at the rate of—

"(A) $100 a month for each month of active duty, if he has not completed two years of active duty; or

"(B) $350 a month for each month of active duty, if he has completed at least two years of active duty.".

TITLE V—TECHNICAL AND CLERICAL AMENDMENTS

PART A—AMENDMENTS REQUIRED BY THIS ACT

AMENDMENTS TO SUBTITLE A OF TITLE 10, UNITED STATES CODE

SEC. 501. Subtitle A is amended as follows: 10 USC 101.

(1) The table of chapters at the beginning of subtitle A and the table of chapters at the beginning of part II of such subtitle are amended—

(A) by striking out the items relating to chapters 33 and 35 and inserting in lieu thereof the following new items:

"32. Officer Strength and Distribution in Grade	521
"33. Appointments in Regular Components	531
"34. Appointments as Reserve Officers	591
"35. Temporary Appointments in Officer Grades	601
"36. Promotion, Separation, and Involuntary Retirement of Officers on the Active-Duty List	611";

(B) by inserting after the item relating to chapter 59 the following new item:

"60. Separation of Regular Officers for Substandard Performance of Duty and for Certain Other Reasons	1181";

(C) by striking out "1255" in the item relating to chapter 63 and inserting in lieu thereof "1251";

(D) by inserting "of Warrant Officers" in the item relating to chapter 65 after "Retirement"; and

(E) by striking out "1371" in the item relating to chapter 69 and inserting in lieu thereof "1370".

(2) Section 101(22) is amended by striking out "duty on the active list,".

(3) Section 123(a) is amended by striking out "3571,", "5867,", and "8571,". *Post*, p. 2920.

(4) Section 266(a) is amended by striking out "Each" and inserting in lieu thereof "Except as provided in section 612(a)(3) of this title, each".

(5) Section 280 is amended by striking out "35" both places it appears and inserting in lieu thereof "34". *Post*, p. 2920.

(6) Section 564(a)(3) is amended—

(A) by inserting "(1)" after "with"; and

(B) by striking out "1167 of this title" and inserting in lieu thereof "286a of title 14, or (2) separation pay computed under section 1174 of this title, as appropriate".

(7) Section 593(a) is amended by striking out "section 3352 or 8352" in the second sentence and inserting in lieu thereof "section 624, 3352, or 8352".

(8) The table of sections at the beginning of chapter 39 is amended—

(A) by striking out the item relating to section 687; and

(B) by adding at the end thereof the following new items:

"688. Regular components: retired members.
"689. Reserve officers: grade in which ordered to active duty.".

(9)(A) Chapter 41 is amended by adding at the end thereof the following new section:

"§ 720. Chief of Staff to President: appointment

"The President, by and with the advice and consent of the Senate, may appoint a general officer of the Army, Air Force, or Marine

Corps or a flag officer of the Navy as the Chief of Staff to the President and may designate such position as a position of importance and responsibility under section 601 of this title.". *Ante*, p. 2849.

(B) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"720. Chief of Staff to President: appointment.".

(10) The table of sections at the beginning of chapter 43 is amended—

(A) by striking out the item relating to section 741 and inserting in lieu thereof:

"741. Rank: commissioned officers of the Army, Navy, Air Force, and Marine Corps.";

and

(B) by adding at the end thereof the following new item:

"750. Command: retired officers.".

10 USC 743. (11) Section 743 is amended by striking out "active list" and inserting in lieu thereof "active-duty list".

(12) The item relating to section 973 in the table of sections at the beginning of chapter 49 is amended to read as follows:

"973. Duties: officers on active duty; performance of civil functions restricted.".

(13) Section 1079(d) is amended by striking out ", (C), or (E)" and inserting in lieu thereof "or (D)".

(14) Section 1086(c) is amended by striking out "1072(2)(F)" in clauses (1) and (2) and inserting in lieu thereof "1072(2)(E)".

(15) The table of sections at the beginning of chapter 59 is amended—

(A) by striking out the item relating to section 1167; and

(B) by adding after the item relating to section 1173 the following new item:

"1174. Separation pay upon involuntary discharge or release from active duty.".

(16) Section 1208(a)(1) is amended by striking out "or mandatory elimination from the active list" and inserting in lieu thereof ", discharge, or retirement for length of service".

(17) Section 1211(a)(1) is amended by striking out "active list of his regular component" and inserting in lieu thereof "active-duty list".

(18) The table of sections at the beginning of chapter 63 is amended by inserting before the item relating to section 1263 the following new item:

"1251. Age 62: regular commissioned officers; exceptions.".

(19) The heading of chapter 65 is amended by inserting "OF WARRANT OFFICERS" after "RETIREMENT".

(20) The table of sections at the beginning of chapter 69 is amended by inserting before the item relating to section 1371 the following new item:

"1370. Commissioned officers: general rule; exceptions.".

(21) Section 1407(d)(1) is amended by striking out "6381, 6383, 6390, 6394, 6396, 6398, or 6400" and inserting in lieu thereof "or 6383".

(22) Section 2126(2) is amended by striking out ", other than subsection (a)(7) and (8),".

AMENDMENTS TO SUBTITLE B OF TITLE 10, UNITED STATES CODE

10 USC 3001. SEC. 502. Subtitle B is amended as follows:

(1) The table of chapters at the beginning of subtitle B and the table of chapters at the beginning of part II of such subtitle are amended by striking out the items relating to chapters 359, 360, and 365.

(2) Section 3034(b) is amended by striking out "and is counted as one of the officers authorized to serve in a grade above lieutenant general under section 3066 of this title". 10 USC 3034.

(3) The table of sections at the beginning of chapter 307 is amended by striking out the items relating to section 3066.

(4) The table of sections at the beginning of chapter 331 is amended—

(A) by striking out the item relating to section 3202 and inserting in lieu thereof the following:

"3202. Army: strength in grade; general officers.";

(B) by striking out the item relating to section 3212 and inserting in lieu thereof the following:

"3212. Army Reserve; Army National Guard of the United States: strength in grade; temporary increases.";

and

(C) by striking out the items relating to sections 3201, 3203, 3204, 3205, 3206, 3207, 3209, 3211, 3213, 3214, 3216, and 3230.

(5) Section 3210 is amended—

(A) by striking out "active list" each place it appears in subsections (a) and (b) and inserting in lieu thereof "active-duty list";

(B) by striking out the second sentence of subsection (a);

(C) by striking out clauses (1), (2), (3), and (4) of subsection (b) and inserting in lieu thereof the following:

"(1) each corps of the Army Medical Department; and

"(2) the Chaplains;"; and

(D) by striking out subsections (d) and (e).

(6)(A) The first sentence of section 3212 is amended to read as follows: "The authorized strength in any reserve grade, as prescribed under this chapter, is automatically increased to the minimum extent necessary to give effect to each appointment made in that grade under section 1211(a), 3036, 3365(a), or 3366 of this title.".

(B) The heading of such section is amended to read as follows:

"§ 3212. Army Reserve; Army National Guard of the United States: strength in grade; temporary increases".

(7) Sections 3222 and 3225 are each amended—

(A) by striking out "of 837,000"; and

(B) by striking out "in section 3201(a) of this title".

(8) The table of sections at the beginning of chapter 335 is amended by striking out the items relating to sections 3284, 3285, 3286, 3287, 3288, 3289, 3290, 3291, 3292, 3293, 3294, 3295, 3296, 3297, 3298, 3299, 3300, 3302, 3303, 3305, 3306, 3307, 3308, 3309, 3312, 3313, and 3314.

(9) The table of sections at the beginning of chapter 337 is amended—

(A) by striking out the item relating to section 3353 and inserting in lieu thereof the following:

"3353. Commissioned officers: service credit upon original appointment.";

and

(B) by adding at the end thereof the following new item:

"3396. Exclusion of certain officers.".

10 USC 3360.

(10) Section 3360(b)(1) is amended by striking out "on the active list" and inserting in lieu thereof "as a regular officer on the active list or on the active-duty list".

(11) The table of sections at the beginning of chapter 339 is amended by striking out the items relating to sections 3441, 3442, 3444, 3445, 3447, 3448, 3449, 3451, and 3452.

(12) The table of sections at the beginning of chapter 341 is amended by striking out the items relating to sections 3494 and 3504.

(13) The table of sections at the beginning of chapter 343 is amended by striking out the items relating to sections 3531, 3532, and 3535.

(14) The table of sections at the beginning of chapter 345 is amended by striking out the items relating to sections 3571, 3573, 3574, and 3582.

(15) The table of sections at the beginning of chapter 361 is amended by striking out the items relating to sections 3814 and 3818.

(16) The table of sections at the beginning of chapter 367 is amended by striking out the items relating to sections 3913, 3916, 3919, 3921, 3923, and 3927.

(17) Section 3924(a) is amended by striking out "3786" and inserting in lieu thereof "1186".

(18) The text of section 3961 is amended to read as follows:

"(a) The retired grade of a regular commissioned officer of the Army who retires other than for physical disability, and the retired grade of a reserve commissioned officer of the Army who retires other than for physical disability or for nonregular service under chapter 67 of this title, is determined under section 1370 of this title.

10 USC 1331 *et seq.*
Ante, p. 2876.

"(b) Unless entitled to a higher retired grade under some other provision of law, a Regular or Reserve of the Army not covered by subsection (a) who retires other than for physical disability retires in the regular or reserve grade that he holds on the date of his retirement.".

(19) Section 3962 is amended—

(A) by striking out "(4) in a position of importance and responsibility designated by the President to carry the grade of general or lieutenant general under section 8066 of this title, or (5)" in subsection (a) and inserting in lieu thereof "or (4)";

(B) by striking out subsection (b); and

(C) by redesignating subsection (c) as subsection (b).

(20) Section 3963 is amended by striking out subsection (a) and by striking out "(b)" before "Upon retirement".

Post, p. 2929.

(21) The table contained in section 3991 is amended—

(A) by striking out the designation "A" under the column headed "Formula";

(B) by striking out the matter opposite such designation under each of the other columns in the table; and

(C) by redesignating the designations "B", "C", and "D" under the column headed "Formula" as "A", "B", and "C", respectively.

(22) Footnote numbered 1 to the table contained in section 3991 is amended by striking out "3962(c)" and inserting in lieu thereof "3962(b)".

(23) Section 4301(b) is amended by striking out "active list" in the first sentence and inserting in lieu thereof "active-duty list".

(24) Section 4333(d) is amended—

(A) by striking out "regular or temporary" in the first sentence; and

(B) by striking out "applicable promotion list" in the second sentence and inserting in lieu thereof "active-duty list".

(25) Section 4336 is amended— 10 USC 4336.

(A) by striking out "a promotion-list officer" in subsections (a) and (b) and inserting in lieu thereof "a regular officer"; and

(B) by inserting "or active-duty list" in subsections (a) and (b) after "on the promotion list".

(26) Section 4353 is amended by inserting "under section 531 of this title" after "Regular Army".

AMENDMENTS TO SUBTITLE C OF TITLE 10, UNITED STATES CODE

Sec. 503. Subtitle C is amended as follows:

(1) The table of chapters at the beginning of subtitle C is amended—

(A) by striking out the item relating to chapter 517;

(B) by striking out the item relating to chapter 531 and inserting in lieu thereof the following:

"531. Strength of Naval Reserve and Marine Corps Reserve .... 5401";

and

(C) by striking out the items relating to chapters 541, 543, 545, and 547 and inserting in lieu thereof the following:

"541. Running Mates for Reserve Officers 5651

"544. Temporary Appointments.. 5721".

(2) The table of chapters at the beginning of part I of subtitle C is amended by striking out the item relating to chapter 517.

(3) Sections 5064(a) and 5081(a) are amended by striking out "active list" and inserting in lieu thereof "active-duty list".

(4) Section 5085 is amended—

(A) by striking out "active list" in subsection (a) and inserting in lieu thereof "active-duty list"; and

(B) by striking out subsection (d).

(5) Section 5086 is amended—

(A) by striking out "active list" in subsection (a) and inserting in lieu thereof "active-duty list"; and

(B) by striking out subsection (c).

(6) Section 5087(a) is amended by striking out "active list" both places it appears and inserting in lieu thereof "active-duty list".

(7) Section 5088 is amended—

(A) by striking out "active list" in subsection (a) and inserting in lieu thereof "active-duty list"; and

(B) by striking out subsection (d).

(8) The table of sections at the beginning of chapter 513 is amended—

(A) by striking out the items relating to sections 5139, 5140, and 5143; and

(B) by adding at the end thereof the following new item:

"5155. Staff Corps of the Navy.".

(9) Section 5133(b) is amended—

(A) by striking out the second sentence, and

(B) by inserting "or active-duty list" in the third sentence after "active list".

10 USC 5137.

(10) Section 5137 is amended by striking out "active list" in the first sentence of subsection (a) and in subsection (b) and inserting in lieu thereof "active-duty list".

(11) Subsections (a) and (b) of section 5141 are each amended by striking out "active list" and inserting in lieu thereof "active-duty list".

(12) Subsections (b) and (d) of section 5150 are each amended by striking out "active list" and inserting in lieu thereof "active-duty list".

(13) Section 5149 is amended—

(A) by striking out "(upper half)" in the second sentence of subsection (a);

(B) by striking out "rear admiral (lower half)" in the second and third sentences of subsection (b) and inserting in lieu thereof "commodore admiral"; and

(C) by striking out the last sentence of subsection (b) and inserting in lieu thereof the following: "If he is retired as a commodore admiral, he is entitled to the retired pay of that grade, unless entitled to higher pay under another provision of law.".

(14) The table of sections at the beginning of chapter 515 is amended by striking out the item relating to section 5206.

(15) Sections 5201(a) and 5202(a) are each amended by striking out "active list" and inserting in lieu thereof "active-duty list".

(16) The table of chapters at the beginning of part II of subtitle C is amended—

(A) by striking out the item relating to chapter 531 and inserting in lieu thereof the following:

"531. Strength of Naval Reserve and Marine Corps Reserve .... 5401";

and

(B) by striking out the items relating to chapters 541, 543, 545, and 547 and inserting in lieu thereof the following:

"541. Running Mates for Reserve Officers 5651
"544. Temporary Appointments .... 5721".

(17) The table of sections at the beginning of chapter 531 is amended by striking out the items relating to sections 5401, 5402, 5403, 5404, 5405, 5406, 5407, 5408, 5409, 5412, 5415, 5416, and 5417.

(18) The table of sections at the beginning of chapter 533 is amended—

(A) by striking out the items relating to sections 5442, 5443, and 5444 and inserting in lieu thereof the following:

"5442. Navy: line officers on active duty; commodore admirals and rear admirals.
"5443. Marine Corps: officers on active duty; brigadier generals and major generals.
"5444. Navy: staff corps officers on active duty; commodore admirals and rear admirals."; and

(B) by striking out the items relating to sections 5445, 5447, 5448, 5449, and 5452.

Ante, p. 2888.

(19) Section 5444(d) is amended by striking out "section 5772 or section 5781" and inserting in lieu thereof "section 624 of this title".

(20) Section 5446 is amended by striking out "active list" and inserting in lieu thereof "active-duty list".

(21) Section 5450 is amended—

(A) by striking out "(a)";

(B) by striking out "officers of the Regular Navy in the grade of rear admiral and above" and inserting in lieu thereof "flag officers of the Regular Navy"; and

(C) by striking out subsection (b).

(22) Section 5451(b) is amended by striking out "relating to officers serving in grades above lieutenant in the Navy or captain in the Marine Corps". 10 USC 5451.

(23) Section 5455 is amended by striking out "5449, or 5452" and inserting in lieu thereof "or 5449".

(24) Section 5455 is further amended by striking out "active list" and inserting in lieu thereof "active-duty list".

(25) The table of sections at the beginning of chapter 535 is amended by striking out the items relating to sections 5504 and 5505.

(26) Section 5506 is amended—

(A) by striking out "Officers" in the first sentence and inserting in lieu thereof "Subject to section 741 of this title, officers"; and

(B) by striking out "When" in the second sentence and inserting in lieu thereof "Subject to section 741 of this title, when".

(27) Section 5508 is amended—

(A) in subsection (a)—

(i) by striking out "(a)";

(ii) by striking out "a lineal" in the first sentence and inserting in lieu thereof "an active-duty"; and

(iii) by striking out the second sentence; and

(B) by striking out subsection (b).

(28) The table of sections at the beginning of chapter 539 is amended by striking out the items relating to sections 5571, 5572, 5573, 5574, 5575, 5576, 5577, 5578, 5578a, 5579, 5580, 5581, 5583, 5584, 5586, 5590, 5591, 5592, 5593, 5594, 5595, 5597, 5598, 5599, and 5601.

(29) Section 5585 is amended by striking out "active list" and inserting in lieu thereof "active-duty list".

(30) The text of section 5587a is amended to read as follows: "With the approval of the Secretary of the Navy, any regular officer on the active-duty list of the Marine Corps who is qualified under section 827(b) of this title may, upon his application, be designated as a judge advocate.".

(31) The table of sections at the beginning of chapter 541 is amended by striking out the items relating to sections 5651, 5652, 5652a, 5652b, 5652c, 5653, 5654, 5655, 5656, 5657, 5658, 5659, 5660, 5661, 5662, 5663, 5664, and 5666.

(32) Section 5891 is amended—

(A) by striking out "(c), (d), and (e), a reserve officer who is on the lineal list maintained under section 5504" in subsection (b) and inserting in lieu thereof "(c) and (d), a reserve officer who is on the active-duty list maintained under section 620";

(B) by striking out subsections (c) and (g) and redesignating subsections (d), (e), and (f) as subsections (c), (d), and (e), respectively;

(C) by striking out "chapter 543" in subsections (d) and (e), as redesignated by clause (2), and inserting in lieu thereof "chapter 36"; and

(D) by striking out "the lineal list" and "a lineal list" each place they appear in subsections (d) and (e), as redesignated by clause (2), and inserting in lieu thereof "the active-duty list".

10 USC 5892.

(33) Section 5892 is amended by striking out "prescribed for line and staff corps officers on the active list of the Navy" in the fourth sentence and inserting in lieu thereof "established by the Secretary for regular line and staff corps officers on the active-duty list under other provisions of this title".

(34) Sections 5896, 5897, and 5898(b) are each amended by inserting "before the effective date of the Defense Officer Personnel Management Act" after "section 5581 of this title" each place it appears.

(35) Section 5899 is amended—

(A) by inserting "before the effective date of the Defense Officer Personnel Management Act" after "section 5581 of this title" each place it appears;

(B) by striking out "section 5764" in subsections (a) and (c) and inserting in lieu thereof "chapter 36";

(C) by inserting "or above" after "captain" in the second sentence of subsection (a);

(D) by striking out "section 5765" in subsections (b) and (d) and inserting in lieu thereof "chapter 36";

(E) by striking out "lineal list" in subsections (b) and (e) and inserting in lieu thereof "active-duty list";

(F) by striking out "section 5702" in subsection (e) and inserting in lieu thereof "chapter 36"; and

(G) by striking out "chapter 543" in subsection (f) and inserting in lieu thereof "chapter 36".

(36) Section 5901 is amended by striking out subsection (c).

(37) Subsections (b) and (c) of section 5902 are amended by striking out "chapter 545" and inserting in lieu thereof "chapter 36".

(38) Section 5905(c) is amended by striking out "lineal rank and" in the second sentence.

(39) Section 5906 is amended by striking out "chapter 543" and inserting in lieu thereof "chapter 36".

(40) The second sentence of subsection (a) of section 5910 and the second sentence of subsection (b) of such section are amended by striking out "active list" and inserting in lieu thereof "active-duty list".

(41) The table of sections at the beginning of chapter 551 is amended by striking out the item relating to section 5955.

(42) The table of sections at the beginning of chapter 553 is amended by striking out the item relating to section 5982.

(43) The table of sections at the beginning of chapter 555 is amended by striking out the items relating to sections 6018 and 6028.

(44) Section 6015 is amended by striking out "appointed under section 5590 of this title".

(45) Section 6151(a) is amended by inserting "and subject to sections 688 and 1370 of this title" after "retired grade".

(46) The table of sections at the beginning of chapter 569 is amended by striking out the item relating to section 6294.

(47)(A) Section 6323(c) is amended to read as follows:

"(c) The retired grade of an officer retired under this section is the grade determined under section 1370 of this title.".

(B) Section 6325 is amended—

(i) by inserting "or section 1370 of this title" in subsection (a) after "subsection (b)"; and

(ii) by striking out "5231 or 5232" in subsection (b) and inserting in lieu thereof "601".

(48) The table of sections at the beginning of chapter 573 is amended—

(A) by striking out the items relating to sections 6371, 6372, 6373, 6374, 6376, 6377, 6378, 6379, 6380, 6381, 6382, 6384, 6385, 6386, 6387, 6388, 6390, 6392, 6393, 6394, 6395, 6396, 6398, 6400, 6401, 6402, and 6407;

(B) by striking out the item relating to section 6383 and inserting in lieu thereof the following:

"6383. Regular Navy and Regular Marine Corps; officers designated for limited duty: retirement for length of service or failures of selection for promotion; discharge for failures of selection for promotion; reversion to prior status; retired grade; retired pay.";

and

(C) by striking out the item relating to section 6404 and inserting in lieu thereof the following:

"6404. Treatment of fractions of years of service in computing retired pay and separation pay.".

(49) Section 6403 is amended— 10 USC 6403.

(A) by inserting "before the effective date of the Defense Officer Personnel Management Act" after "section 5581 of this title" in subsection (a);

(B) by inserting "or chapter 36" after "this chapter" in subsections (a) and (b);

(C) by inserting "regular" after "woman line" in subsection (a); and

(D) by striking out "active list" in subsections (a) and (b) and inserting in lieu thereof "active-duty list".

(50)(A) Section 6404 is amended by striking out "lump-sum payments" and inserting in lieu thereof "separation pay".

(B) The heading of such section is amended to read as follows:

"§ 6404. Treatment of fractions of years of service in computing retired pay and separation pay".

(51) The table of sections at the beginning of chapter 575 is amended by striking out the items relating to sections 6481, 6487, and 6488.

(52) The table of sections at the beginning of chapter 601 is amended by striking out the items relating to sections 6909 and 6914.

(53) Section 7042(a) is amended by striking out "active list" and inserting in lieu thereof "active-duty list".

AMENDMENTS TO SUBTITLE D OF TITLE 10, UNITED STATES CODE

SEC. 504. Subtitle D is amended as follows:

(1) The table of chapters at the beginning of subtitle D and the table of chapters at the beginning of part II of such subtitle are amended by striking out the items relating to chapters 859, 860, and 865.

(2) Section 8034(b) is amended by striking out "and is counted as one of the officers authorized to serve in a grade above lieutenant general under section 8066 of this title".

(3) The table of sections at the beginning of chapter 807 is amended by striking out the item relating to section 8066.

10 USC 8062.

(4) Section 8062(e) is amended by striking out "and chapter 831" and inserting in lieu thereof ", chapter 831 of this title, and the strength authorized by law pursuant to section 138".

(5) Section 8067 is amended—

(A) by striking out "in conformity with section 8289 or 8294 of this title," in subsection (a);

(B) by striking out "in conformity with section 8294 of this title," in subsection (b);

(C) by striking out "in conformity with section 8291 of this title," in subsection (e);

(D) in subsection (f)—

(i) by striking out "Medical specialist functions" and inserting in lieu thereof "Biomedical science functions"; and

(ii) by striking out "medical specialists" and inserting in lieu thereof "biomedical science officers"; and

(E) by striking out "in conformity with section 8293 of this title," in subsection (h).

(6) The table of sections at the beginning of chapter 831 is amended—

(A) by striking out the item relating to section 8202 and inserting in lieu thereof the following:

"8202. Air Force: strength in grade.";

(B) by striking out the item relating to section 8212 and inserting in lieu thereof the following:

"8212. Air Reserve; Air National Guard of the United States: strength in grade; temporary increases.";

and

(C) by striking out the items relating to sections 8201, 8203, 8204, 8205, 8206, 8207, 8208, 8209, 8211, 8213, 8214, 8215, and 8230.

(7) Section 8210 is amended by striking out "active list" each place it appears in subsections (a) and (c) and inserting in lieu thereof "active-duty list".

(8)(A) The first sentence of section 8212 is amended to read as follows: "The authorized strength in any reserve grade, as prescribed under this chapter, is automatically increased to the minimum extent necessary to give effect to each appointment made in that grade under section 1211(a), 8365 (a) and (c), 8366 (a) and (d), 8375, 8376, 8380, or 8381 of this title.".

(B) The heading of such section is amended to read as follows:

"§ 8212. Air Reserve: Air National Guard of the United States: strength in grade; temporary increases".

(9) Sections 8222 and 8225 are each amended—

(A) by striking out "of 502,000"; and

(B) by striking out "in section 8201(a) of this title".

(10) The table of sections at the beginning of chapter 835 is amended by striking out the items relating to sections 8284, 8285, 8286, 8287, 8288, 8289, 8293, 8294, 8295, 8296, 8297, 8298, 8299, 8300, 8301, 8302, 8303, 8305, 8306, 8307, 8308, 8309, 8312, 8313, and 8314.

(11) The table of sections at the beginning of chapter 837 is amended—

(A) by striking out the item relating to section 8353 and inserting in lieu thereof the following:

"8353. Commissioned officers: service credit upon original appointment.";

and

(B) by adding at the end thereof the following new item:

"8396. Exclusion of certain officers.".

(12) The table of sections at the beginning of chapter 839 is amended by striking out the items relating to sections 8441, 8442, 8444, 8445, 8447, 8448, 8449, 8451, and 8452.

(13) The table of sections at the beginning of chapter 841 is amended by striking out the items relating to sections 8494 and 8504.

(14) The table of sections at the beginning of chapter 843 is amended by striking out the item relating to section 8531.

(15) The table of sections at the beginning of chapter 845 is amended by striking out the items relating to sections 8571, 8573, 8574, and 8582.

(16) The table of sections at the beginning of chapter 861 is amended by striking out the items relating to sections 8814 and 8818.

(17) The table of sections at the beginning of chapter 867 is amended by striking out the items relating to sections 8913, 8915, 8916, 8919, 8921, 8922, 8923, and 8927.

(18) Section 8924(a) is amended by striking out "8786" and inserting in lieu thereof "1186". 10 USC 8924.

(19) The text of section 8961 is amended to read as follows:

"(a) The retired grade of a regular commissioned officer of the Air Force who retires other than for physical disability, and the retired grade of a reserve commissioned officer of the Air Force who retires other than for physical disability or for nonregular service under chapter 67 of this title, is determined under section 1370 of this title. 10 USC 1331 *et seq.* *Ante*, p. 2876.

"(b) Unless entitled to a higher retired grade under some other provision of law, a Regular or Reserve of the Air Force not covered by subsection (a) who retires other than for physical disability retires in the regular or reserve grade that he holds on the date of his retirement.".

(20) Section 8962(a) is amended by striking out "(4) in a position of importance and responsibility designated by the President to carry the grade of general or lieutenant general under section 8066 of this title, or (5)" and inserting in lieu thereof "or (4)". *Ante*, p. 2878.

(21) Section 8963 is amended by striking out subsection (a) and by striking out "(b)" before "Upon retirement".

(22) The table contained in section 8991 is amended— *Post*, p. 2935.

(A) by striking out the designation "A" under the column headed "Formula";

(B) by striking out the matter opposite such designation under each of the other columns in the table; and

(C) by redesignating the designations "B", "C", and "D" under the column headed "Formula" as "A", "B", and "C", respectively.

(23) Section 9301(b) is amended by striking out "active list" in the first sentence and inserting in lieu thereof "active-duty list".

(24) Section 9336 is amended—

(A) by striking out "a promotion-list officer" in subsections (a) and (b) and inserting in lieu thereof "a regular officer"; and

(B) by inserting "or active-duty list" in subsections (a) and (b) after "on the promotion list".

(25) Section 9353 is amended by inserting "under section 531 of this title" after "Regular Air Force". *Ante*, p. 2845.

AMENDMENTS TO TITLE 14, UNITED STATES CODE

SEC. 505. (a)(1) Chapter 11 of title 14, United States Code, is amended by inserting after section 286 the following new section:

14 USC 286a.

"§ 286a. Regular warrant officers: severance pay

"(a) The severance pay of a regular warrant officer of the Coast Guard who is separated under section 564(a)(3) of title 10 is computed by multiplying his years of active service that could be credited to him under section 511 of the Career Compensation Act of 1949, as amended, but not more than 12, by twice the monthly basic pay to which he is entitled at the time of separation.

Ante, p. 2907.

10 USC 564 note.

"(b) The severance pay of a regular warrant officer of the Coast Guard who is separated under section 1166 of title 10 is computed by multiplying his years of active service that could be credited to him under section 511 of the Career Compensation Act of 1949, as amended, but not more than 12, by the monthly basic pay to which he is entitled at the time of separation.

"(c) For the purposes of this section, a part of the year that is six months or more is counted as a whole year, and a part of a year that is less than six months is disregarded.

Retirement pay deductions.

"(d) The acceptance of severance pay under this section does not deprive a person of any retirement benefits from the United States. However, there shall be deducted from each of his retirement payments so much thereof as is based on the service for which he has received severance pay under this section, until the total deductions equal the amount of such severance pay. However, no person is entitled to severance pay under this section in an amount that is more than $15,000.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 286 the following new item:

"286a. Regular warrant officers: severance pay.".

(b) Section 438 of title 14, United States Code, is amended by striking out "1167, 1255" and inserting in lieu thereof "1166".

AMENDMENTS TO TITLE 37, UNITED STATES CODE

SEC. 506. Title 37, United States Code, is amended as follows:

37 USC 101.

(1) Section 101(18) is amended by striking out "duty on the active list,".

(2) The item relating to section 202 in the table of sections at the beginning of chapter 3 is amended to read as follows:

"202. Pay grades: assignment to; rear admirals (upper half) of the Coast Guard.".

(3) The table contained in section 201(a) is amended—

(A) by striking out "Environmental Science Services Administration" in the heading of the third column and inserting in lieu thereof "National Oceanic and Atmospheric Administration";

(B) by striking out "Rear admiral (upper half)" in the third column and inserting in lieu thereof "Rear admiral (Navy) and Rear admiral (upper half) (Coast Guard and National Oceanic and Atmospheric Administration)"; and

(C) by striking out "Rear admiral (lower half) and commodore" in the third column and inserting in lieu thereof "Commodore admiral (Navy) and Rear admiral (lower half) and commodore (Coast Guard and National Oceanic and Atmospheric Administration)".

(4) Section 204(a) is amended by striking out "Except for members covered by section 202(i) of this title, the" and inserting in lieu thereof "The". 37 USC 204.

(5) The table of sections at the beginning of chapter 5 is amended—

(A) by striking out the items relating to sections 302c and 313; and

(B) by striking out the item relating to section 311 and inserting in lieu thereof the following:

"311. Special pay: continuation pay for dentists in the armed forces.".

(6) Section 303a is amended—

(A) by striking out "302c, 303, 311, and 313" in subsection (a) and inserting in lieu thereof "303, and 311";

(B) by striking out "302c," in the first sentence of subsection (b); and

(C) by inserting "separation pay," after "retired pay," in the second sentence of subsection (b).

(7) Section 406 is amended—

(A) by inserting "separation pay or" before "severance pay" in subsections (d)(2) and (g)(2); and

(B) by inserting "separation pay or" before "readjustment pay" in subsections (d)(2) and (g)(2).

(8) The table of sections at the beginning of chapter 17 is amended by striking out the items relating to sections 904 and 905 and inserting in lieu thereof the following:

"905. Reserve officers of the Navy or Marine Corps not on the active-duty list: effective date of pay and allowances.".

(9) The table of sections at the beginning of chapter 19 is amended by adding at the end thereof the following new items:

"1010. Commissioned officers: promotions; effective date for pay and allowances.
"1011. Mess operations: reimbursement of expenses.".

AMENDMENTS TO OTHER LAWS

SEC. 507. (a) Section 101(12) of title 32, United States Code, is amended by striking out "duty on the active list,".

(b) Section 502(a) of the National Emergencies Act (50 U.S.C. 1651(a)(8)) is amended by striking out paragraph (8).

(c) Section 6(d) of the Act entitled "An Act to establish an Office of Selective Service Records to liquidate the Selective Service System following the termination of its functions on March 31, 1947, and to preserve and service the Selective Service records, and for other purposes", approved March 31, 1947 (50 U.S.C. App. 326(d)), is amended—

(1) by striking out "on the active or retired list of the Army, Navy, Marine Corps, or Coast Guard, or of any Reserve component thereof," and inserting in lieu thereof "of the Armed Forces" and

(2) by striking out "in the Army, Navy, Marine Corps, or Coast Guard or Reserve component thereof," and inserting in lieu thereof "of the Armed Forces".

(d) Section 10(b)(4) of the Military Selective Service Act (50 U.S.C. App. 460(b)(4)) is amended—

(1) by striking out "on the active or retired list of the armed forces, or any reserve component thereof with his consent," and inserting in lieu thereof "of the armed forces" and

(2) by striking out "or reserve component thereof,".

Repeal. (e) Section 302 of the Department of Defense Appropriation Authorization Act, 1974 (Public Law 93-155; 87 Stat. 607) is repealed.

(f)(1) Section 3(a)(3) of the Act of August 10, 1956 (70A Stat. 619; 33 U.S.C. 857a(a)(3)), is amended by inserting "1370," after "except sections".

(2) Section 221(a)(3) of the Public Health Service Act (42 U.S.C. 213a(a)(3)) is amended by inserting "1370," after "except sections".

PART B—AMENDMENTS TO MAKE TECHNICAL CORRECTIONS IN TITLES 10, 32, AND 37 OF THE UNITED STATES CODE OTHER THAN CORRECTIONS REQUIRED BY THIS ACT

AMENDMENTS TO SUBTITLE A OF TITLE 10, UNITED STATES CODE

SEC. 511. Subtitle A is amended as follows:

10 USC 123. (1) Section 123 is amended by striking out "3847," "8370,", and "8847,".

(2) Section 126(b) is amended by striking out "Director of the Bureau of the Budget" and inserting in lieu thereof "President".

(3) Section 133(b) is amended by striking out "section 401 of title 50" and inserting in lieu thereof "section 2 of the National Security Act of 1947 (50 U.S.C. 401)".

(4) Section 138(f) is amended—

(A) by striking out "(71 Stat. 556)" and inserting in lieu thereof "(42 U.S.C. 1594i)"; and

(B) by striking out "In subsection (f)" and inserting in lieu thereof "In subsection (e)".

(5) Section 139(a) is amended by striking out "section 11 of title 31" and inserting in lieu thereof "section 201 of the Budget and Accounting Act, 1921 (31 U.S.C. 11)".

(6) Section 176 is amended—

(A) in subsection (a)(3), by striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Secretary of Health and Human Services"; and

(B) in subsection (b)(1)(A), by inserting "of this title" after "section 177".

(7) Section 270 is amended—

(A) in subsection (a), by striking out "Secretary of the Treasury" and inserting in lieu thereof "Secretary of Transportation"; and

(B) in subsection (c), by striking out "the enactment of this subsection" and inserting in lieu thereof "October 4, 1961".

(8) Section 272 is amended by striking out "Secretary of the Treasury" and inserting in lieu thereof "Secretary of Transportation".

(9) Section 274(1) is amended by striking out "section 232" and inserting in lieu thereof "section 291".

(10) Section 280 is amended—

(A) by striking out "3685," and "8685,"; and

(B) by striking out "Secretary of the Treasury" and inserting in lieu thereof "Secretary of Transportation".

(11)(A) Section 335 is amended to read as follows:

"§ 335. Guam and Virgin Islands included as 'State'

"For purposes of this chapter, the term 'State' includes the unincorporated territories of Guam and the Virgin Islands.".

(B) Section 336 is repealed.

Repeal.
10 USC 336.

(C) The table of sections at the beginning of chapter 15 is amended by adding after the item relating to section 334 the following new item:

"335. Guam and Virgin Islands included as 'State'.".

(12) Section 351(c) is amended by striking out "Section 463 of title 22" and inserting in lieu thereof "Section 16 of the Act of March 4, 1909 (22 U.S.C. 463)".

(13) Section 510(b)(1) is amended by striking out "chapter 12 of title 8" and inserting in lieu thereof "the Immigration and Nationality Act (8 U.S.C. 1101 et seq.)".

(14) Section 511(d) is amended by striking out "Military Selective Service Act of 1967 (50 App. U.S.C. 451–473)" and inserting in lieu thereof "Military Selective Service Act (50 U.S.C. App. 451 et seq.)".

(15) Section 512 is amended by striking out "sections 451–473 of title 50, appendix" both places it appears and inserting in lieu thereof "the Military Selective Service Act (50 U.S.C. App. 451 et seq.)".

(16) Section 591(b) is amended—

(A) by striking out "except as provided in section 454(i)(7) of title 50, appendix,"; and

(B) by striking out "chapter 12 of title 8" and inserting in lieu thereof "the Immigration and Nationality Act (8 U.S.C. 1101 et seq.)".

(17) Section 595(a) is amended by striking out "sections 451–473 of title 50, appendix" both places it appears and inserting in lieu thereof "the Military Selective Service Act (50 U.S.C. App. 451 et seq.)".

(18) Section 651(a) is amended—

(A) by striking out "section 456(d)(1) of title 50, appendix" and inserting in lieu thereof "section 6(d)(1) of the Military Selective Service Act (50 U.S.C. App. 456(d)(1))"; and

(B) by striking out "Secretary of the Treasury" and inserting in lieu thereof "Secretary of Transportation".

(19) Section 679(c) is amended by striking out "Secretary of the Treasury" and inserting in lieu thereof "Secretary of Transportation".

(20) Section 702(b) is amended by striking out "Sections 701, 702(a), 703, and 704 of this chapter" and inserting in lieu thereof "Sections 701, 703, and 704 of this title and subsection (a)".

(21) Section 711a is amended by striking out "(a)".

(22) Section 717 is amended—

(A) by striking out "the Treasury" each place it appears and inserting in lieu thereof "Transportation";

(B) by striking out "subsections (d), (e), and (f)" in subsection (c) and inserting in lieu thereof "subsections (c), (d), and (e)"; and

(C) by redesignating subsections (c), (d), (e), and (f) as subsections (b), (c), (d), and (e), respectively.

(23)(A) Section 719 is amended by striking out "Environmental Science Services Administration" and inserting in lieu thereof "National Oceanic and Atmospheric Administration".

(B) The heading of such section is amended to read as follows:

"§ 719. Department of Commerce: assignment or detail of members of the armed forces to National Oceanic and Atmospheric Administration".

(C) The item relating to such section in the table of sections at the beginning of chapter 41 is amended to read as follows:

"719. Department of Commerce: assignment or detail of members of the armed forces to National Oceanic and Atmospheric Administration.".

10 USC 802.

(24) Section 802(a)(8) is amended by striking out "Environmental Science Services Administration" and inserting in lieu thereof "National Oceanic and Atmospheric Administration".

(25) Sections 865(c) and 888 are amended by striking out "the Treasury" and inserting in lieu thereof "Transportation".

(26) The table of sections at the beginning of chapter 48 is amended by adding at the end thereof the following new item:

"955. Prisoners transferred to or from foreign countries.".

(27) Section 951(d) is amended by striking out "as" the second place it appears and inserting in lieu thereof "at".

(28) Section 955(a) is amended—

(A) by striking out "said" both places it appears and inserting in lieu thereof "such";

(B) by striking out "Said" and inserting in lieu thereof "Such"; and

(C) by striking out ", United States Code".

(29) The items relating to chapter 51 in the table of chapters at the beginning of subtitle A, and in the table of chapters at the beginning of part II of such subtitle, are amended to read as follows:

"51. Reserve Components: Standards and Procedures for Retention and Promotion .... 1001".

(30) Section 1006(e) is amended by striking out "the Act enacting this section" and inserting in lieu thereof "Public Law 85-861".

(31) Section 1037(c) is amended by striking out "Department of the Treasury" and inserting in lieu thereof "Department of Transportation".

(32) Subsection (d) of the first section 1040 is amended—

(A) by striking out "Secretary of the Treasury" and inserting in lieu thereof "Secretary of Transportation"; and

(B) by striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Secretary of Health and Human Services".

(33)(A) The second section 1040 (added by Public Law 90-235) is redesignated as section 1041.

(B) The item relating to such section in the table of sections at the beginning of chapter 53 is amended to read as follows:

"1041. Replacement of certificate of discharge.".

(34)(A) Sections 1071, 1072, 1073, and 1084 are amended by striking out "sections 1071-1087 of this title" and inserting in lieu thereof "this chapter".

(B) The heading of section 1071 is amended to read as follows:

"§ 1071. Purpose of this chapter".

(C)(i) The heading of section 1073 is amended to read as follows:

"§ 1073. Administration of this chapter".

(ii) Such section is further amended by striking out "those sections" and "them" and inserting in lieu thereof "this chapter".

(D)(i) The item relating to section 1071 in the table of sections at the beginning of chapter 55 is amended to read as follows:

"1071. Purpose of this chapter.".

(ii) The item relating to section 1073 in such table is amended to read as follows:

"1073. Administration of this chapter.".

(iii) The item relating to section 1086 in such table is amended to read as follows:

"1086. Contracts for health benefits for certain members, former members, and their dependents.".

(35) Section 1072(1) and 1073 are amended by striking out "Environmental Science Services Administration" and inserting in lieu thereof "National Oceanic and Atmospheric Administration". 10 USC 1072, 1073.

(36) Sections 1072(2)(E)(iii), 1073, 1074, 1076, 1078, 1079, 1080, 1081, 1083, 1084, 1085, and 1086 are amended by striking out "Secretary of Health, Education, and Welfare" each place it appears and inserting in lieu thereof "Secretary of Health and Human Services".

(37) Sections 1074(b) and 1085 are amended by striking out "Bureau of the Budget" and inserting in lieu thereof "President".

(38) Section 1079 is amended—

(A) in subsection (a), by striking out "that:" and inserting in lieu thereof "that—";

(B) in subsection (b), by striking out "per centum" both places it appears and inserting in lieu thereof "percent";

(C) in subsection (e), by striking out the period in the matter preceding clause (1) and inserting in lieu thereof "as follows:"; and

(D) in subsection (g), by striking out ", United States Code,".

(39) Section 1086 is amended—

(A) in subsection (b), by striking out "per centum" each place it appears and inserting in lieu thereof "percent"; and

(B) in subsection (c), by striking out "title I of the Social Security Amendments of 1965 (79 Stat. 286)" and inserting in lieu thereof "part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.)". *Ante*, p. 2908.

(40) Section 1124(h) is amended by striking out "Environmental Science Services Administration" and inserting in lieu thereof "National Oceanic and Atmospheric Administration".

(41) Section 1164 is amended by redesignating subsection (c) as subsection (b).

(42) Section 1208(a) is amended—

(A) by striking out "Environmental Science Services Administration" in paragraph (2)(B) and inserting in lieu thereof "National Oceanic and Atmospheric Administration"; and

(B) by striking out "Environmental Science Services Administration includes active service as a member" and inserting in lieu thereof "National Oceanic and Atmospheric

Administration includes active service as a member of the Environmental Science Services Administration and".

10 USC 1212.

(43) Section 1212(a)(2)(B) is amended by striking out "Secretary of the Treasury" and inserting in lieu thereof "Secretary of Transportation".

(44) Section 1213 is amended by striking out "Environmental Science Services Administration" and inserting in lieu thereof "National Oceanic and Atmospheric Administration".

(45) Section 1216(d) is amended by striking out "Assistant Secretary of Defense for Health and Environment" and inserting in lieu thereof "Assistant Secretary of Defense for Health Affairs".

(46) Section 1263(a) is amended by striking out "section 311 of title 37" and inserting in lieu thereof "section 511 of the Career Compensation Act of 1949, as amended (70 Stat. 114; 10 U.S.C. 564 note)".

(47) Section 1331 is amended—

(A) in subsection (b), by striking out "Secretary of the Treasury" and inserting in lieu thereof "Secretary of Transportation"; and

(B) in subsection (e), by striking out "United States Code,".

(48) Section 1332(a)(4) is amended—

(A) by striking out "Coast and Geodetic Survey" and inserting in lieu thereof "National Oceanic and Atmospheric Administration (including active commissioned service in the Environmental Science Services Administration and in the Coast and Geodetic Survey)"; and

(B) by striking out "pursuant to" and inserting in lieu thereof "under".

(49) Section 1401 is amended—

Ante, p. 1077.

(A) by striking out "of this title) on or after the date of the enactment of the Department of Defense Authorization Act, 1981" in the heading in column 1 of the table contained in such section and inserting in lieu thereof ") after September 7, 1980";

(B) by striking out "1255" under the column headed "For sections" in such table; and

(C) by striking out "senior enlisted advisor of the Navy" in footnote 4 of such table and inserting in lieu thereof "master chief petty officer of the Navy".

(50) Section 1402 is amended by striking out "the armed forces before the date of the enactment of the Department of Defense Authorization Act, 1981" in subsections (a), (b), and (c) and inserting in lieu thereof "a uniformed service (as defined in section 1407(a)(2) of this title) before September 8, 1980".

(51)(A) Section 1402a is amended by striking out "on or after the date of the enactment of the Department of Defense Authorization Act, 1981" in subsections (a), (b), and (c) and inserting in lieu thereof "after September 7, 1980".

(B) The heading of such section is amended to read as follows:

"§ 1402a. Recomputation of retired or retainer pay to reflect later active duty of members who first became members after September 7, 1980".

(C) The item relating to such section in the table of sections at the beginning of chapter 71 is amended to read as follows:

"1402a. Recomputation of retired or retainer pay to reflect later active duty of members who first became members after September 7, 1980.".

(52)(A) Section 1403 is amended by striking out "title 26" and inserting in lieu thereof "the Internal Revenue Code of 1954". 10 USC 1403.

(B) The heading of such section is amended to read as follows:

"§ 1403. Disability retired pay; treatment under Internal Revenue Code of 1954".

(C) The item relating to such section in the table of sections at the beginning of chapter 71 is amended to read as follows:

"1403. Disability retired pay; treatment under Internal Revenue Code of 1954.".

(53) Section 1407(a) is amended by striking out "on or after the date of the enactment of the Department of Defense Authorization Act, 1981" and inserting in lieu thereof "after September 7, 1980". *Ante*, p. 1077.

(54)(A) The heading of chapter 73 is amended to read as follows:

"CHAPTER 73—ANNUITIES BASED ON RETIRED OR RETAINER PAY".

(B) The items relating to such chapter in the table of chapters at the beginning of subtitle A, and in the table of chapters at the beginning of part II of such subtitle, are amended to read as follows:

"73. Annuities Based on Retired or Retainer Pay .... 1431".

(55) Section 1431(b) is amended by striking out "the date of enactment of this amendment" and inserting in lieu thereof "August 13, 1968,".

(56) Section 1434 is amended by striking out "per centum" each place it appears and inserting in lieu thereof "percent".

(57) Section 1437(b) is amended by striking out "prior to the effective date of this subsection" and inserting in lieu thereof "before November 1, 1968".

(58) Section 1444 is amended—

(A) by striking out "Environmental Science Services Administration" and inserting in lieu thereof "National Oceanic and Atmospheric Administration"; and

(B) by redesignating subsection (c) as subsection (b).

(59) Section 1475(a)(5)(B) is amended by striking out "Universal Military Training and Service Act (50 App. U.S.C. 451 et seq.)" and inserting in lieu thereof "Military Selective Service Act (50 U.S.C. App. 451 et seq.)".

(60) Section 1552(a) is amended by striking out "Secretary of the Treasury" and inserting in lieu thereof "Secretary of Transportation".

(61) Section 1586 is amended by striking out "United States Civil Service Commission" in subsections (c)(5) and (e)(2) and inserting in lieu thereof "Office of Personnel Management".

(62) Section 2107 is amended—

(A) by striking out "Miilitary" in subsection (e) and inserting in lieu thereof "Military"; and

(B) by striking out "section 2107 of this title" in subsection (h) and inserting in lieu thereof "this section".

(63) Section 2112(a) is amended by striking out "10 years after the date of the enactment of this chapter" and inserting in lieu thereof "September 21, 1982".

Ante, p. 2925.
10 USC 2112, 2113.

(64) Sections 2112(a), 2113(a), and 2113(d) are amended by inserting "in this chapter" after "hereinafter".

(65) Section 2114(b) is amended by striking out "Secretary of Health, Education, and Welfare" both places it appears and inserting in lieu thereof "Secretary of Health and Human Services".

(66) The table of sections at the beginning of chapter 105 is amended by striking out the first semicolon in the item relating to section 2123 and the semicolons in the items relating to sections 2124, 2125, 2126, and 2127 and inserting in lieu thereof colons.

(67) Sections 2123(e) and 2127(d) are amended by striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Secretary of Health and Human Services".

(68) Section 2131 is amended—

(A) by striking out "armed force" in subsection (a) and inserting in lieu thereof "armed forces";

(B) by inserting "of this title" in subsection (b)(2) after "section 2132"; and

(C) by striking out "Commissioner of Education, Department of Health, Education, and Welfare" in subsection (d) and inserting in lieu thereof "Secretary of Education".

(69) Section 2132 is amended by inserting "of this title" after "section 2131" each place it appears.

(70) Section 2133(a) is amended by inserting "of this title" after "section 2131" and after "section 2107".

(71) Section 2205 is amended by striking out "section 686 of title 31" and inserting in lieu thereof "the Act of March 4, 1915 (31 U.S.C. 686)".

(72) Section 2210(b) is amended by striking out "Director of the Bureau of the Budget" and inserting in lieu thereof "President".

(73) Section 2211 is amended by striking out "section 2392(d) of title 22" and inserting in lieu thereof "section 632(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2392(d))".

(74) Section 2302(1) is amended by striking out "Secretary of the Treasury" and inserting in lieu thereof "Secretary of Transportation".

(75) The item relating to section 2304 in the table of sections at the beginning of chapter 137 is amended to read as follows:

"2304. Purchases and contracts: formal advertising; exceptions.".

(76)(A) Clauses (1) and (2) of section 2304(f) are amended to read as follows:

"(1) The Act entitled 'An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes', approved June 30, 1936 (commonly referred to as the 'Walsh-Healy Act') (41 U.S.C. 35–45).

"(2) The Act entitled 'An Act relating to the rate of wages for laborers and mechanics employed on public buildings of the United States and the District of Columbia by contractors and subcontractors, and for other purposes', approved March 3, 1931 (commonly referred to as the 'Davis-Bacon Act') (40 U.S.C. 276a—276a-5).".

(B) Clause (3) of such section is repealed.

(77)(A) Subsection (f) of section 2306 is amended—

(i) by inserting "(1)" after "(f)";

(ii) by redesignating clauses (1), (2), (3), and (4) as clauses (A), (B), (C), and (D), respectively;

(iii) by striking out "Prior" each place it appears and inserting in lieu thereof "prior";

(iv) by striking out "(3) above" and inserting in lieu thereof "clause (C)";

(v) by inserting "(2)" before "Any prime contract" in the first undesignated paragraph in such subsection; and

(vi) by inserting "(3)" before "For the purpose of" in the second undesignated paragraph in such subsection.

(B) Subsection (g) of such section is amended—

(i) by striking out "that:" in paragraph (1) and inserting in lieu thereof "that—";

(ii) by striking out "the" at the beginning of clause (A) of paragraph (2) and inserting in lieu thereof "The";

(iii) by striking out "consideration" at the beginning of clauses (B) and (C) of paragraph (2) and inserting in lieu thereof "Consideration"; and

(iv) by striking out "from:" in paragraph (3) and inserting in lieu thereof "from—".

(78) Section 2314 is amended by striking out "Sections 5, 6, 6a, and 13 of title 41" and inserting in lieu thereof "Sections 3709 and 3735 of the Revised Statutes (41 U.S.C. 5 and 13)". 10 USC 2314.

(79) The table of sections at the beginning of chapter 141 is amended by striking out the item relating to section 2383.

(80) Section 2390 is amended by striking out "(a)" before "The Secretary".

(81) Section 2543(a) is amended by striking out "section 721 of title 36" and inserting in lieu thereof "the first section of the Presidential Inaugural Ceremonies Act (36 U.S.C. 721)".

(82) Section 2572 is amended by striking out "section 486 of title 40, the Secretary of a military department or the Secretary of the Treasury" and inserting in lieu thereof "section 205 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486), the Secretary of a military department or the Secretary of Transportation".

(83)(A) Section 2573 is repealed. Repeal.

(B) The table of sections at the beginning of chapter 153 is amended by striking out the item relating to section 2573.

(84) Section 2575 is amended—

(A) in subsection (a), by striking out "Secretary of the Treasury" and inserting in lieu thereof "Secretary of Transportation"; and

(B) in subsection (c), by striking out "the Soldiers' Home" and inserting in lieu thereof "the United States Soldiers' and Airmen's Home".

(85) Section 2576(a) is amended—

(A) by striking out "pursuant to" and inserting in lieu thereof "under"; and

(B) by striking out "(63 Stat. 377), as amended" and inserting in lieu thereof "(40 U.S.C. 471 et seq.)".

(86) Section 2601(b)(4) is amended by striking out "Secretary of the Treasury" and inserting in lieu thereof "Secretary of Transportation".

(87) Section 2633 is amended by striking out "section 628 of title 31" and inserting in lieu thereof "section 3678 of the Revised Statutes (31 U.S.C. 628)".

10 USC 2635.

(88) Section 2635(a) is amended by striking out "Department of Health, Education, and Welfare" and inserting in lieu thereof "Department of Health and Human Services".

(89) The table of sections at the beginning of chapter 159 is amended by striking out the item relating to section 2680.

(90) Section 2664(a) is amended—

(A) by striking out "the Federal Maritime Board" both places it appears and inserting in lieu thereof "Federal Maritime Commission"; and

(B) by striking out "by 1950 Reorganization Plan No. 21, effective May 24, 1950 (64 Stat. 1273)" and inserting in lieu thereof "under Reorganization Plan No. 7 of 1961, effective August 12, 1961 (75 Stat. 840)".

(91) Section 2665 is amended by striking out "Federal Maritime Board" each place it appears and inserting in lieu thereof "Federal Maritime Commission".

(92) Section 2667 is amended—

(A) by striking out "section 472 of title 40" in subsection (a)(3) and inserting in lieu thereof "section 3 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472)";

(B) by striking out "section 303b of title 40" in subsection (b)(4) and inserting in lieu thereof "section 321 of the Act entitled 'An Act making appropriations for the Legislative Branch of the Government for the fiscal year ending June 30, 1933, and for other purposes', approved June 30, 1932 (40 U.S.C. 303b),";

(C) by striking out "act of Congress" in subsection (e) and inserting in lieu thereof "Act of Congress"; and

(D) in subsection (f)—

(i) by striking out "The Secretary" and inserting in lieu thereof "the Secretary"; and

(ii) by striking out "The Administrator of the General Services Administration" and inserting in lieu thereof "the Administrator of General Services".

(93) Section 2681(a) is amended by striking out "Director of the Bureau of the Budget" and inserting in lieu thereof "President".

(94) Section 2733(f) is amended by striking out "Environmental Science Services Administration" and inserting in lieu thereof "National Oceanic and Atmospheric Administration".

(95) Section 2734(g) is amended by striking out "Department of the Treasury" and inserting in lieu thereof "Department of Transportation".

(96) The table of sections at the beginning of chapter 165 is amended by striking out the item relating to section 2772.

(97) Section 2771 is amended—

(A) in subsection (b), by striking out "Environmental Science Services Administration" and inserting in lieu thereof "National Oceanic and Atmospheric Administration"; and

(B) in subsection (c), by striking out "Department of the Treasury" and inserting in lieu thereof "Department of Transportation".

(98) Section 2774(a) is amended by striking out "the effective date of this section" and inserting in lieu thereof "October 2, 1972".

(99) The items relating to chapter 107 in the tables of chapters at the beginning of subtitle A, and at the beginning of part III of such subtitle, are each amended to read as follows:

"107. Educational Assistance for Persons Enlisting for Active Duty .... 2141".

AMENDMENTS TO SUBTITLE B OF TITLE 10, UNITED STATES CODE

SEC. 512. Subtitle B is amended as follows:

(1) The items relating to chapter 303 in the table of chapters at the beginning of subtitle B, and in the table of chapters at the beginning of part I of such subtitle, are amended to read as follows:

"303. Department of the Army .... 3010".

(2) The items relating to sections 3035 and 3036 in the table of sections at the beginning of chapter 305 are amended to read as follows:

"3035. Vice Chief of Staff, Deputy Chiefs of Staff, and Assistant Chiefs of Staff: succession to duties of Chief of Staff.
"3036. Chiefs of branches: appointment; duties.".

(3) Section 3253 is amended by striking out "chapter 12 of title 8" and inserting in lieu thereof "the Immigration and Nationality Act (8 U.S.C. 1101 et seq.)". 10 USC 3253.

(4) Section 3360 is amended by striking out "the Act enacting this section" each place it appears and inserting in lieu thereof "Public Law 85-861".

(5)(A) Section 3534 is amended by striking out "Commissioner" and inserting in lieu thereof "Mayor".

(B) The heading of such section is amended to read as follows:

"§ 3534. Corps of Engineers: detail of officers to assist Mayor of District of Columbia".

(C) The item relating to such section in the table of sections at the beginning of chapter 343 is amended to read as follows:

"3534. Corps of Engineers: detail of officers to assist Mayor of District of Columbia.".

(6) The table of sections at the beginning of chapter 349 is amended by striking out the items relating to sections 3632, 3633, and 3636.

(7) The table of sections at the beginning of chapter 353 is amended by striking out the item relating to section 3689.

(8) Sections 3848(c)(2) and 3851(c)(2) are amended by striking out ", United States Code,".

(9) Section 3853 is amended by striking out "the Act enacting this section" both places it appears and inserting in lieu thereof "Public Law 85-861".

(10) The tables contained in sections 3991 and 3992 are each amended by striking out "on or after the date of the enactment of the Department of Defense Authorization Act, 1981" in the heading for column 1 and inserting in lieu thereof "after September 7, 1980". *Ante*, p. 1077.

(11) Section 4314 is amended by striking out "Commissioner of Education, Department of Health, Education, and Welfare" and inserting in lieu thereof "Secretary of Education".

(12) Section 4331(a) is amended by striking out "New York, in this chapter called the 'Academy' " and inserting in lieu thereof "New York (hereinafter in this chapter referred to as the 'Academy')".

10 USC 4342.

(13) Section 4342(h) is amended by striking out "Effective beginning with nominations for appointment to the Academy in the calendar year 1964, the" and inserting in lieu thereof "The".

(14) Section 4537 is amended by striking out "Environmental Science Services Administration" and inserting in lieu thereof "National Oceanic and Atmospheric Administration".

(15) Section 4538(b) is amended by striking out "section 486 of title 40" and inserting in lieu thereof "section 205 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486)".

(16) Section 4540(c) is amended by striking out "5101-5115, 5331-5338, 5341, 5342, and 7204 of title 5 and subchapter VI of chapter 53 of such title 5" and inserting in lieu thereof "and 7204, chapter 51, and subchapters III, IV, and VI of chapter 53 of title 5".

(17) Section 4621(f) is amended by striking out "sections 772, 773, or 3612" and inserting in lieu thereof "section 772 or 773".

(18)(A) Section 4624(c) is amended by striking out "Soldiers' Home" and inserting in lieu thereof "United States Soldiers' and Airmen's Home".

(B) The heading of section 4624 is amended to read as follows:

"§ 4624. Medical supplies: civilian employees of the Army; American National Red Cross; Soldiers' and Airmen's Home".

(C) The item relating to such section in the table of sections at the beginning of chapter 439 is amended to read as follows:

"4624. Medical supplies: civilian employees of the Army; American National Red Cross; Soldiers' and Airmen's Home.".

(19) Sections 4681, 4682, 4684, and 4686 are amended by striking out "section 486 of title 40" and inserting in lieu thereof "section 205 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486)".

(20) Section 4712 is amended by striking out "Soldiers' Home" in subsections (a)(2) and (f) and inserting in lieu thereof "United States Soldiers' and Airmen's Home".

(21)(A) Section 4713(a) is amended by striking out "Soldiers' Home" and inserting in lieu thereof "United States Soldiers' and Airmen's Home".

(B) The heading of section 4713 is amended to read as follows:

"§ 4713. Disposition of effects of deceased persons by Soldiers' and Airmen's Home".

(C) The item relating to such section in the table of sections at the beginning of chapter 445 is amended to read as follows:

"4713. Disposition of effects of deceased persons by Soldiers' and Airmen's Home.".

(22) Section 4745(a) is amended by striking out "chairman of the Federal Maritime Board" and inserting in lieu thereof "Secretary of Commerce".

(23) The heading of section 4777 is amended to read as follows:

"§ 4777. Permits: military reservations; landing ferries, erecting bridges, driving livestock".

(24)(A) Section 4837 is amended by striking out "(d)".

(B) The heading of such section is amended to read as follows:

"§ 4837. Settlement of accounts: remission or cancellation of indebtedness of enlisted members".

(C) The item relating to such section in the table of sections at the beginning of chapter 453 is amended to read as follows:

"4837. Settlement of accounts: remission or cancellation of indebtedness of enlisted members.".

AMENDMENTS TO SUBTITLE C OF TITLE 10, UNITED STATES CODE

SEC. 513. Subtitle C is amended as follows:

(1) The items relating to chapter 641 in the table of chapters at the beginning of subtitle C, and in the table of chapters at the beginning of part IV of such subtitle, are amended to read as follows:

"641. Naval Petroleum Reserves .... 7420".

(2) Section 5001(a)(3) is amended by striking out ", male or female,". 10 USC 5001.

(3) Section 5032(a) is amended by striking out "Secretary of the Treasury" and inserting in lieu thereof "Secretary of Transportation".

(4) Section 5036(c) is amended by striking out "section 6" and inserting in lieu thereof "section 3347".

(5)(A) The table of sections at the beginning of chapter 507 is amended by striking out the item relating to section 5062.

(B) The item in such table relating to section 5064 is amended to read as follows:

"5064. Office of Budget and Reports: Director; Assistant Director.".

(6) The table of sections at the beginning of chapter 513 is amended by striking out the item relating to section 5134.

(7)(A) The item relating to section 5202 in the table of sections at the beginning of chapter 515 is amended to read as follows:

"5202. Assistant Commandant: detail; succession to duties.".

(B) The heading of section 5202 is amended to read as follows:

"§ 5202. Assistant Commandant: detail; succession to duties".

(8)(A) The item relating to section 5414 in the table of sections at the beginning of chapter 531 is amended to read as follows:

"5414. Naval Reserve and Marine Corps Reserve: officers in an active status in grades above chief warrant officer, W-4.".

(B) The heading of section 5414 is amended to read as follows:

"§ 5414. Naval Reserve and Marine Corps Reserve: officers in an active status in grades above chief warrant officer, W-4".

(9)(A) The items relating to sections 5457 and 5458 in the table of sections at the beginning of chapter 533 are amended to read as follows:

"5457. Naval Reserve: officers in an active status in grades above chief warrant officer, W-4.

"5458. Marine Corps Reserve: officers in an active status in grades above chief warrant officer, W-4.".

(B) The heading of section 5457 is amended to read as follows:

"§ 5457. Naval Reserve: officers in an active status in grades above chief warrant officer, W-4".

(C) The heading of section 5458 is amended to read as follows:

"§ 5458. Marine Corps Reserve: officers in an active status in grades above chief warrant officer, W-4".

(10) The table of sections at the beginning of chapter 535 is amended by striking out the item relating to section 5507.

(11) The table of sections at the beginning of chapter 549 is amended by striking out the item relating to section 5907.

(12) The table of sections at the beginning of chapter 559 is amended by striking out the item relating to section 6111.

(13) The table of sections at the beginning of chapter 561 is amended by striking out the items relating to sections 6141, 6142, 6143, 6144, 6145, 6146, and 6147.

10 USC 6201.

(14) Section 6201(b) is amended by striking out "section 16 of title 24" and inserting in lieu thereof "section 4812 of the Revised Statutes (24 U.S.C. 16)".

(15)(A) The item relating to section 6221 in the table of sections at the beginning of chapter 565 is amended to read as follows:

"6221. United States Navy Band.".

(B) Such table of sections is further amended by striking out the item relating to section 6224.

(16) Section 6221 is amended to read as follows:

"§ 6221. United States Navy Band

"There is a Navy band known as the United States Navy Band.".

Ante, p. 1077.

(17) The following sections are each amended by striking out "the date of the enactment of the Department of Defense Authorization Act, 1981" each place it appears and inserting in lieu thereof "September 8, 1980": sections 6151(b), 6151(c), 6322(c), 6323(e), 6325(a)(2), 6325(b)(2), 6326(c)(2), 6330(c), and 6383(c)(2).

(18) Subsections (f) and (g) of section 6222 are redesignated as subsections (e) and (f), respectively.

(19) Sections 6326(c)(2)(A) and 6330(c)(1)(A) are amended by striking out "senior enlisted advisor of the Navy" and inserting in lieu thereof "master chief petty officer of the Navy".

(20) Section 6913(a) is amended by striking out "section 6023(b)" and inserting in lieu thereof "section 2003".

(21) Subsections (g), (h), and (i) of section 6915 are redesignated as subsections (f), (g), and (h), respectively.

5 USC 5332 note.

(22) Section 7043(b) is amended by striking out "provided for grade 18 of the general schedule of the Classification Act of 1949, as amended" and inserting in lieu thereof "authorized for grade GS-18 of the General Schedule under section 5332 of title 5".

(23) Section 7045 is amended—

(A) by striking out "and Treasury" both places it appears and inserting in lieu thereof "and Transportation"; and

(B) by striking out "the Treasury" in subsection (b) and inserting in lieu thereof "Transportation".

(24) Sections 7204(a)(1)(D), 7205(a)(4), and 7211(a)(4) are amended by striking out "Environmental Science Services Administration" and inserting in lieu thereof "National Oceanic and Atmospheric Administration".

(25) Section 7212(a) is amended by striking out "5101-5115, 5331-5338, 5341, 5342, and 7204 of title 5 and subchapter VI of chapter 53 of such" and inserting in lieu thereof "and 7204, chapter 51, and subchapters III, IV, and VI of chapter 53 of".

(26) Section 7299 is amended by striking out "the Act of June 30, 1936, chapter 881 (49 Stat. 2036)" and inserting in lieu thereof

"the Act entitled 'An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes', approved June 30, 1936 (commonly referred to as the 'Walsh-Healy Act') (41 U.S.C. 35-45)".

(27) Section 7305 is amended by striking out ", as amended" in subsections (a) and (k). 10 USC 7305.

(28) Section 7307(b) is amended—

(A) by striking out "the date of enactment of this paragraph" both places it appears and inserting in lieu thereof "August 5, 1974"; and

(B) by striking out "of enactment" after "such date".

(29) Section 7308(a) is amended by striking out "section 474 of title 40" and inserting in lieu thereof "subsections (c) and (d) of section 602 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 474)".

(30) Section 7420 is amended—

(A) by striking out "(a)" before "In this chapter";

(B) by striking out "Naval Petroleum Reserve Numbered 4" and all that follows through "Naval Petroleum Reserves Production Act of 1976);" in paragraph (2); and

(C) by striking out "Secretary of the Navy" in paragraph (4) and inserting in lieu thereof "Secretary of Energy".

(31) Section 7422(c) is amended—

(A) by striking out paragraph (1)(B) and inserting in lieu thereof the following:

"(B) to produce such reserves at the maximum efficient rate consistent with sound engineering practices for a period ending not later than April 5, 1982;";

(B) by striking out "hereinafter provided" in paragraph (1)(C) and inserting in lieu thereof "provided in section 7430 of this title";

(C) by striking out "discrimiation" in the second sentence of paragraph (1) and inserting in lieu thereof "discrimination";

(D) by striking out ", chapter 307 (46 Stat. 1421; 40 U.S.C. 258(a))" in the fourth sentence of paragraph (1) and inserting in lieu thereof "(40 U.S.C. 258a-258e)";

(E) by striking out "At the conclusion of the six-year production period authorized by paragraph (1)(B) of this subsection" in paragraph (2) and inserting in lieu thereof "After April 5, 1982,"; and

(F) by striking out "within ninety days after the date of enactment of the Naval Petroleum Reserves Production Act of 1976" in paragraph (3) and inserting in lieu thereof "by July 4, 1976".

(32)(A) Sections 7424(a)(2), 7425(a), and 7426(a) are amended by striking out "naval petroleum reserve numbered 1" each place it appears and inserting in lieu thereof "Naval Petroleum Reserve Numbered 1".

(B) The heading of section 7426 is amended to read as follows:

"§ 7426. Cooperative or unit plans affecting Naval Petroleum Reserve Numbered 1".

(C) The item relating to such section in the table of sections at the beginning of chapter 641 is amended to read as follows:

"7426. Cooperative or unit plans affecting Naval Petroleum Reserve Numbered 1.".

10 USC 7427.

(33) Section 7427 is amended by striking out "section 226e of title 30" and inserting in lieu thereof "section 17(j) of the Act of February 25, 1920 (30 U.S.C. 226(j))".

(34) Section 7430 is amended—

(A) by striking out "per centum" in subsections (c) and (d)(3) and inserting in lieu thereof "percent";

(B) by striking out "(83 Stat. 841)" in subsection (e) and inserting in lieu thereof "(50 U.S.C. App. 2401 et seq.)";

(C) by inserting "of this title" in subsection (f) after "section 7422(c)" and after "section 7431(a)(3)";

(D) by striking out clauses (1), (2), (3), (4), and (5) in subsection (i) and inserting in lieu thereof the following:

"(1) the Sherman Act (15 U.S.C. 1 et seq.);

"(2) the Clayton Act (15 U.S.C. 12 et seq.);

"(3) the Federal Trade Commission Act (15 U.S.C. 41 et seq.);

"(4) sections 73 and 74 of the Wilson Tariff Act (15 U.S.C. 8 and 9); and

"(5) sections 2, 3, and 4 of the Act of June 19, 1936 (commonly referred to as the 'Robinson-Patman Act') (15 U.S.C. 13a, 13b, and 21a)."; and

(E) by inserting "(15 U.S.C. 717 et seq.)" in subsection (j) after "the Natural Gas Act".

(35) Section 7432(a)(1) is amended by striking out the semicolon and inserting in lieu thereof a period.

(36) Section 7434 is amended by striking out "of the Navy".

(37) Section 7438 is amended—

(A) in subsection (a)—

(i) by striking out "The Administrator of the Energy Research and Development Administration" and inserting in lieu thereof "The Secretary"; and

(ii) by striking out "; chapter 172 (58 Stat. 190), as amended" and inserting in lieu thereof "(30 U.S.C. 321 et seq.)";

(B) in subsection (b)—

(i) in the first sentence, by striking out "The Administrator of the Energy Research and Development Administration" and inserting in lieu thereof "The Secretary", and by striking out "above" after "subsection (a)";

(ii) in the second sentence, by striking out "the Administrator" and all that follows through "subsection (a) above" and inserting in lieu thereof "the Secretary may use or lease for use by institutions, organizations, or individuals, public or private, the facility described in subsection (a)"; and

(iii) in the third sentence, by striking out "The Administrator" and all that follows through "the Secretary" and inserting in lieu thereof "The Secretary may, after consultation"; and

(C) in subsection (c), by striking out "herein contained" and inserting in lieu thereof "in this chapter".

(38) Section 7522(b) is amended by striking out "Section 529 of title 31" and inserting in lieu thereof "Section 3648 of the Revised Statutes (31 U.S.C. 529)".

(39) Sections 7541, 7541a, 7542(a), and 7545(a) are amended by striking out "section 486 of title 40" and inserting in lieu thereof "section 205 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486)".

(40) Section 7545(b) is amended by striking out "section 366" and inserting in lieu thereof "section 3301". 10 USC 7545.

(41) Sections 7571(a)(3), 7572(a)(3), and 7576(a)(3) are amended by striking out "Environmental Science Services Administration" and inserting in lieu thereof "National Oceanic and Atmospheric Administration".

(42) Section 7605 is amended by striking out "sections 521 and 543 of title 31" and inserting in lieu thereof "sections 3639 and 3651 of the Revised Statutes (31 U.S.C. 521 and 543)".

(43) Section 7721 is amended by striking out "sections 781-790 of title 46" and inserting in lieu thereof "the Act of March 3, 1925 (commonly referred to as the 'Public Vessels Act') (46 U.S.C. 781-790)".

AMENDMENTS TO SUBTITLE D OF TITLE 10, UNITED STATES CODE

SEC. 514. Subtitle D is amended as follows:

(1) The items relating to chapter 803 in the table of chapters at the beginning of subtitle D, and in the table of chapters at the beginning of part I of such subtitle, are amended to read as follows:

"803. Department of the Air Force .... 8010".

(2) Section 8253 is amended by striking out "chapter 12 of title 8" and inserting in lieu thereof "the Immigration and Nationality Act (8 U.S.C. 1101 et seq.)".

(3) The heading of section 8375 is amended to read as follows:

"§ 8375. Commissioned officers; brigadier general or major general; procedure on reassignment".

(4) The table of sections at the beginning of chapter 849 is amended by striking out the items relating to sections 8632, 8633, and 8636.

(5) The table of sections at the beginning of chapter 853 is amended by striking out the item relating to section 8689.

(6) The item relating to section 8852 in the table of sections at the beginning of chapter 863 is amended to read as follows:

"8852. Thirty-five years or five years in grade: reserve major generals.".

(7) Sections 8848(c) and 8851(c) are amended by striking out ", United States Code,".

(8) The tables contained in sections 8991 and 8992 are each amended by striking out "on or after the date of the enactment of the Department of Defense Authorization Act, 1981" in the heading for column 1 and inserting in lieu thereof "after September 7, 1980".

(9) Section 9315(c) is amended by striking out "Commissioner of Education of the Department of Health, Education, and Welfare" and inserting in lieu thereof "Secretary of Education".

(10) Section 9331(a) is amended by striking out ", in this chapter called the 'Academy'," and inserting in lieu thereof "(hereinafter in this chapter referred to as the 'Academy')".

(11) Section 9342(h) is amended by striking out "Effective beginning with the nominations for appointment to the Academy in the calendar year 1964, the" and inserting in lieu thereof "The".

(12) Section 9441(b) is amended—

(A) by striking out "section 202 of title 36" and inserting in lieu thereof "section 2 of the Act of July 1, 1946 (36 U.S.C. 202)"; and

(B) by striking out "the Travel Expense Act of 1949 (5 U.S.C. 835 et seq.)" in clause (7) and inserting in lieu thereof "subchapter I of chapter 57 of title 5".

10 USC 9537.

(13) Section 9537 is amended by striking out "Environmental Science Services Administration" and inserting in lieu thereof "National Oceanic and Atmospheric Administration".

(14) Section 9538(b) is amended by striking out "section 486 of title 40" and inserting in lieu thereof "section 205 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486)".

(15) Section 9540(c) is amended by striking out "5101–5115, 5331–5338, 5341, 5342, and 7204 of title 5 and subchapter VI of chapter 53 of such title 5" and inserting in lieu thereof "and 7204, chapter 51, and subchapters III, IV, and VI of chapter 53 of title 5".

(16) Section 9621(f) is amended by striking out "773, or 8612" and inserting in lieu thereof "or 773".

(17)(A) Section 9624(c) is amended by striking out "Soldiers' Home" and inserting in lieu thereof "United States Soldiers' and Airmen's Home".

(B) The heading of section 9624 is amended to read as follows:

"§ 9624. Medical supplies: civilian employees of the Air Force; American National Red Cross; Soldiers' and Airmen's Home".

(C) The item relating to such section in the table of sections at the beginning of chapter 939 is amended to read as follows:

"9624. Medical supplies: civilian employees of the Air Force; American National Red Cross; Soldiers' and Airmen's Home.".

(18) Sections 9681, 9682, 9684, and 9686 are amended by striking out "section 486 of title 40" and inserting in lieu thereof "section 205 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486)".

(19) Section 9712 is amended by striking out "Soldiers' Home" in subsections (a)(2) and (f) and inserting in lieu thereof "United States Soldiers' and Airmen's Home".

(20)(A) Section 9713(a) is amended by striking out "Soldiers' Home" and inserting in lieu thereof "United States Soldiers' and Airmen's Home".

(B) The heading of such section is amended to read as follows:

"§ 9713. Disposition of effects of deceased persons by Soldiers' and Airmen's Home".

(C) The item relating to such section in the table of sections at the beginning of chapter 945 is amended to read as follows:

"9713. Disposition of effects of deceased persons by Soldiers' and Airmen's Home.".

(21) The table of sections at the beginning of chapter 949 is amended by striking out the item relating to section 9772.

(22)(A) Section 9837 is amended by striking out "(d)".

(B) The heading of such section is amended to read as follows:

"§ 9837. Settlement of accounts: remission or cancellation of indebtedness of enlisted members".

(C) The item relating to such section in the table of sections at the beginning of chapter 953 is amended to read as follows:

"9837. Settlement of accounts: remission or cancellation of indebtedness of enlisted members.".

AMENDMENTS TO TITLE 32, UNITED STATES CODE

SEC. 515. Title 32 of the United States Code is amended as follows:

(1) The item relating to section 307 in the table of sections at the beginning of chapter 3 is amended to read as follows:

"307. Federal recognition of officers: examination; certificate of eligibility."

(2) Subsection (d) of section 303 is redesignated as subsection (c). 32 USC 303.

(3) Section 334(e) is amended by striking out "title 32" and inserting in lieu thereof "this title".

(4) Clauses (2) and (3) of section 708(b) are redesignated as clauses (1) and (2), respectively.

(5) Section 709(f) is amended by striking out ", United States Code,".

(6) Section 709(g) is amended—

(A) by striking out "6102 of title 5, United States Code," both places it appears and inserting in lieu thereof "6101(a) of title 5";

(B) by striking out "section 5332 of title 5, United States Code" and inserting in lieu thereof "section 5332 of title 5"; and

(C) by striking out "5543 of title 5, United States Code," and inserting in lieu thereof "5543 of title 5".

(7) Section 709(h) is amended by striking out ", except that" and all that follows in such section and inserting in lieu thereof a period.

(8) Section 710(d) is amended by striking out "section 725c(b)(22) of title 31" and inserting in lieu thereof "section 4(b)(22) of the Permanent Appropriation Repeal Act, 1934 (31 U.S.C. 725c(b)(22))".

(9) Section 716(a) is amended by striking out "the effective date of this section" and inserting in lieu thereof "October 2, 1972".

AMENDMENTS TO TITLE 37, UNITED STATES CODE

SEC. 516. Title 37 of the United States Code is amended as follows:

(1) Section 101 is amended— 37 USC 101.

(A) in paragraphs (3) and (5)(E), by striking out "Environmental Science Services Administration" and inserting in lieu thereof "National Oceanic and Atmospheric Administration"; and

(B) in paragraph (5)(F), by striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Secretary of Health and Human Services".

(2) Section 201(f) is amended by striking out "subsections (e) and (f)" and inserting in lieu thereof "subsections (d) and (e)".

(3) Section 205(a) is amended—

(A) by striking out "Environmental Science Services Administration" in clause (5) and in the last sentence and inserting in lieu thereof "National Oceanic and Atmospheric Administration"; and

(B) by inserting "Environmental Science Services Administration or the" in the last sentence before "Coast and Geodetic Survey".

37 USC 209.

(4) Section 209(a) is amended by striking out "section 456(d)(1) of title 50, appendix" and inserting in lieu thereof "section 6(d)(1) of the Military Selective Service Act (50 U.S.C. App. 456(d)(1))".

(5) Section 301 is amended—

(A) in subsection (a)(2)(B), by striking out "clause (A) above" and inserting in lieu thereof "subclause (A) of this clause";

(B) in subsection (a)(2)(C), by striking out "clause (B) above" and inserting in lieu thereof "subclause (B) of this clause"; and

(C) in subsection (f), by striking out "subsection (a)(1)-(12)" and inserting in lieu thereof "subsection (a)".

(6) Section 301a(a)(3) is amended by striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Secretary of Health and Human Services".

(7) Section 311(c) is amended by striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Secretary of Health and Human Services".

(8) Section 312(a) is amended by redesignating clauses (3), (4), and (5) as clauses (2), (3), and (4), respectively.

(9) Section 312c is amended—

(A) in subsection (a), by striking out "301a of this title: *Provided*, That—" and inserting in lieu thereof "301a of this title. However—"; and

(B) in subsection (d), by striking out "House and Senate Armed Services Committees" and inserting in lieu thereof "Committees on Armed Services of the Senate and House of Representatives".

(10) Section 403 is amended—

(A) by striking out "Environmental Science Services Administration" in subsection (e) and inserting in lieu thereof "National Oceanic and Atmospheric Administration"; and

(B) by striking out "words" in subsection (j) and inserting in lieu thereof "terms".

(11) Section 406b is amended—

(A) by striking out "Uniformed Services" and inserting in lieu thereof "uniformed services";

(B) by striking out "of this chapter" and inserting in lieu thereof "of this title"; and

(C) by striking out "later: *Provided, however*, That" and inserting in lieu thereof "later. However,".

(12) Section 411(d) is amended by striking out "words" and inserting in lieu thereof "term".

(13) The heading of section 416 is amended to read as follows:

"§416. Uniform allowance: officers; additional allowances".

(14) Section 501 is amended—

(A) by striking out "the first day of the second calendar month following the month in which the Department of Defense Appropriation Authorization Act, 1977, was enacted" both places it appears and inserting in lieu thereof "September 1, 1976";

(B) by striking out "unusued" in subsection (d) and inserting in lieu thereof "unused";

(C) by inserting "of this section" in subsection (f) after "subsection (b), (d), or (g)"; and

(D) by striking out "Surgeon General" in subsection (g) and inserting in lieu thereof "Secretary of Health and Human Services".

(15) Sections 502(a) and 503 are amended by striking out "Environmental Science Services Administration" and inserting in lieu thereof "National Oceanic and Atmospheric Administration". 37 USC 502, 503.

(16) Section 558 is amended by striking out "title 26" and inserting in lieu thereof "the Internal Revenue Code of 1954".

(17) Section 602(b)(4) is amended by striking out "Department of Health, Education, and Welfare" and inserting in lieu thereof "Department of Health and Human Services".

(18)(A) The text of section 706 is amended by striking out "Environmental Science Services Administration" and inserting in lieu thereof "National Oceanic and Atmospheric Administration".

(B) The heading of such section is amended to read as follows:

"§ 706. Allotments: commissioned officers of the National Oceanic and Atmospheric Administration".

(C) The item relating to such section in the table of sections at the beginning of chapter 13 is amended to read as follows:

"706. Allotments: commissioned officers of the National Oceanic and Atmospheric Administration.".

(19) Section 707 is amended by striking out "(a)".

(20) Section 801 is amended—

(A) by redesignating subsection (c) as subsection (b); and

(B) by striking out "Environmental Science Services Administration" both places it appears and inserting in lieu thereof "National Oceanic and Atmospheric Administration".

(21) The item relating to section 1005 in the table of sections at the beginning of chapter 19 is amended to read as follows:

"1005. Army and Air Force: prompt payments required.".

(22) Section 1001 is amended—

(A) in subsection (b), by striking out "Environmental Science Services Administration" and inserting in lieu thereof "National Oceanic and Atmospheric Administration"; and

(B) in subsection (c), by striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Secretary of Health and Human Services".

(23) Section 1006(h) is amended by striking out "section 529 of title 31" and inserting in lieu thereof "section 3648 of the Revised Statutes (31 U.S.C. 529)".

(24) Section 1009 is amended—

(A) by striking out ", United States Code," in subsection (a); and

(B) by striking out "section 8 of the Act of December 16, 1967 (Public Law 90-207; 81 Stat. 654), section 402 or 403 of this title," in subsection (b)(2) and inserting in lieu thereof "section 402 or 403 of this title".

TITLE VI—TRANSITION PROVISIONS

PART A—TRANSITION PROVISIONS RELATING ONLY TO THE ARMY AND AIR FORCE

REGULAR OFFICERS SERVING IN A HIGHER TEMPORARY GRADE BELOW LIEUTENANT GENERAL OR RECOMMENDED FOR PROMOTION TO A HIGHER GRADE

10 USC 611 note.
Post, p. 2941.

SEC. 601. (a) Except as provided in sections 603 and 604, any regular officer of the Army or Air Force who on the effective date of this Act is on active duty and—

(1) is serving in a temporary grade below lieutenant general that is higher than his regular grade;

(2) is on a list of officers recommended for promotion to a temporary grade below lieutenant general; or

(3) is on a list of officers recommended for promotion to a regular grade higher than the grade in which he is serving;

shall be considered to have been recommended by a board convened under section 611(a) of title 10, United States Code, as added by this Act, for promotion to the regular grade equivalent to the grade in which he is serving or for which he has been recommended for promotion, as the case may be.

Ante, p. 2851.

(b) An officer referred to in clause (1) of subsection (a) who is not promoted to the grade to which he is considered under such subsection to have been recommended for promotion because his name is removed from a list of officers who are considered under such paragraph to have been recommended for promotion shall be considered under chapter 36 of title 10, United States Code, as added by this Act, for promotion to the regular grade equivalent to the temporary grade in which he was serving on the effective date of this Act as if he were serving in his regular grade.

Ante, p. 2850.

Ante, p. 2869.

(c) Notwithstanding section 741(d) of title 10, United States Code, as added by this Act, the date of rank of an officer referred to in subsection (a)(1) who is promoted to the temporary grade in which he is serving on the effective date of this Act is the date of his temporary appointment in that grade.

RESERVE OFFICERS SERVING IN A HIGHER TEMPORARY GRADE BELOW LIEUTENANT GENERAL OR RECOMMENDED FOR PROMOTION TO A HIGHER GRADE

10 USC 611 note.

SEC. 602. (a)(1) Except as provided in subsection (b) and sections 605 and 606, any reserve officer of the Army or Air Force who on the effective date of this Act is subject to placement on the active-duty list of his armed force and—

(A) is serving in a temporary grade below lieutenant general that is higher than his reserve grade; or

(B) is on a list of officers recommended for promotion to a temporary grade below lieutenant general that is the same as or higher than his reserve grade;

shall be considered to have been recommended by a board convened under section 611(a) of title 10, United States Code, as added by this Act, for promotion to the reserve grade equivalent to the grade in which he is serving or for which he has been recommended for promotion, as the case may be.

Ante, p. 2851.

Ante, p. 2869.

(2) Notwithstanding section 741(d) of title 10, United States Code, as added by this Act, the date of rank of an officer referred to in

paragraph (1)(A) who is promoted to the grade to which he is considered under such paragraph to have been recommended for promotion is the date of his temporary appointment in that grade.

(b) A reserve officer of the Army or Air Force who on the effective date of this Act—

(1) is subject to placement on the active-duty list of his armed force;

(2) is serving on active duty in a temporary grade; and

(3) holds a reserve grade higher than the temporary grade in which he is serving,

shall while continuing on active duty retain such temporary grade and shall be considered for promotion under chapter 36 of title 10, United States Code, as added by this Act, to a grade equal to or lower than his reserve grade as if such temporary grade is a permanent grade. If such officer is recommended for promotion under such chapter to such a grade, his appointment to such grade shall be a temporary appointment. *Ante*, p. 2850.

REGULAR OFFICERS ONCE FAILED OF SELECTION FOR PROMOTION

SEC. 603. (a) An officer of the Army or Air Force who on the effective date of this Act— 10 USC 611 note.

(1) holds the regular grade of first lieutenant, captain, or major; and

(2) has been considered once but not recommended for promotion to the next higher regular grade by a selection board convened under the laws in effect on the day before the effective date of this Act,

shall, within one year after the effective date of this Act, be considered for promotion to the next higher regular grade by a selection board convened by the Secretary concerned under the laws in effect on the day before the effective date of this Act.

(b)(1)(A) An officer described in subsection (a) who is recommended for promotion by the selection board which considers him pursuant to such subsection shall be considered to have been recommended for promotion to the next higher regular grade or the grade in which he is serving, whichever grade is higher, by a board convened under section 611(a) of title 10, United States Code, as added by this Act. Notwithstanding section 741(d) of title 10, United States Code, as added by this Act, the date of rank of an officer referred to in the preceding sentence who was serving in the temporary grade equivalent to the grade to which he is considered to have been recommended for promotion and who is promoted to that grade is the date of his temporary appointment in that grade. *Ante*, p. 2851. *Ante*, p. 2869.

(2) An officer described in subsection (a) who is not recommended for promotion by such board shall, unless continued on active duty under section 637 of such title, as added by this Act, be retired, if eligible to retire, be discharged, or be continued on active duty until eligible to retire and then be retired, under the laws applicable on the day before the effective date of this Act. *Ante*, p. 2863.

REGULAR OFFICERS TWICE FAILED OF SELECTION FOR PROMOTION

SEC. 604. An officer of the Army or Air Force who on the day before the effective date of this Act— 10 USC 611 note.

(1) holds the regular grade of first lieutenant, captain, or major; and

(2) has twice failed of selection for promotion to the next higher regular grade,

shall, unless continued on active duty under section 637 of title 10, United States Code, as added by this Act, be retired, if eligible to retire, be discharged, or be continued on active duty until eligible to retire and then be retired, under the laws in effect on the day before the effective date of this Act.

Ante, p. 2863.

RESERVE OFFICERS ONCE FAILED OF SELECTION FOR PROMOTION

10 USC 611 note.

SEC. 605. (a) A reserve officer of the Army or Air Force who on the effective date of this Act—

(1) is on active duty and subject to placement on the active-duty list of his armed force;

(2) holds the reserve grade of first lieutenant, captain, or major; and

(3) has been considered once but not selected for promotion to the next higher reserve grade under section 3366, 3367, 8366, or 8367, as appropriate, of title 10, United States Code,

shall, unless sooner promoted, be considered again for promotion to that grade by a selection board convened under section 3366, 3367, 8366, or 8367, as appropriate, of such title.

(b)(1) An officer described in subsection (a) who is serving on active duty in a temporary grade higher than his reserve grade on the effective date of this Act and who is recommended by the selection board which considers him pursuant to such subsection for promotion to the reserve grade equivalent to the temporary grade in which he is serving on such date shall be considered as having been recommended for promotion to that reserve grade in the report of a selection board convened under section 611(a) of title 10, United States Code, as added by this Act. Notwithstanding section 741(d) of title 10, United States Code, as added by this Act, the date of rank of an officer referred to in the preceding sentence who is promoted to the reserve grade equivalent to the temporary grade in which he is serving on such date is the date of his temporary appointment in that grade.

Ante, p. 2851.
Ante, p. 2869.

(2) An officer described in subsection (a) who is serving on active duty in a temporary grade equivalent to or lower than his reserve grade on the effective date of this Act and who is recommended by the selection board which considers him pursuant to such subsection for promotion to a reserve grade higher than the temporary grade in which he was serving on such date shall be considered as having been recommended for promotion to that reserve grade in the report of a selection board convened under section 3366, 3367, 8366, or 8367, as appropriate, of such title. If such an officer is not ordered to active duty in his reserve grade, he shall while continuing on active duty retain such temporary grade and shall be considered for promotion under chapter 36 of title 10, United States Code, as added by this Act, to a grade equal to or lower than his reserve grade as if such temporary grade is a permanent grade. If such officer is recommended for promotion under such chapter to such a grade, his appointment to such grade shall be a temporary appointment to such grade.

Ante, p. 2850.

(3) An officer described in subsection (a) who is not recommended for promotion by the selection board which considers him pursuant to such subsection shall be governed by section 3846 or 8846, as appropriate, of title 10, United States Code, as a deferred officer.

RESERVE OFFICERS TWICE FAILED OF SELECTION FOR PROMOTION

SEC. 606. An officer of the Army or Air Force who on the day before the effective date of this Act— 10 USC 611 note.

(1) was on active duty and subject to placement on the active-duty list of his armed force; and

(2) held the reserve grade of first lieutenant, captain, or major; and

(3) was considered to have twice failed of selection for promotion to the next higher reserve grade,

shall be governed by section 3846 or 8846, as appropriate, of title 10, United States Code, as a deferred officer.

ENTITLEMENT TO SEVERANCE PAY OR SEPARATION PAY OF OFFICERS SEPARATED OR DISCHARGED PURSUANT TO THIS PART

SEC. 607. (a) An officer who is discharged in accordance with section 603(b)(2) or 604 is entitled, at his election, to— 10 USC 611 note.

(1) the severance pay to which he would have been entitled under the laws in effect before the effective date of this Act; or

(2) separation pay, if eligible therefor, under section 1174(a) of title 10, United States Code, as added by this Act. *Ante*, p. 2870.

(b) An officer who is separated in accordance with section 605(b)(3) or 606 is entitled, at his election, to—

(1) readjustment pay under section 687 of title 10, United States Code, as in effect on the day before the effective date of this Act; or *Ante*, p. 2870.

(2) separation pay, if eligible therefor, under section 1174(c) of title 10, United States Code, as added by this Act. *Ante*, p. 2870.

SPECIAL TENURE PROVISIONS FOR OFFICERS SERVING IN TEMPORARY GRADES OF BRIGADIER GENERAL AND MAJOR GENERAL

SEC. 608. (a) Notwithstanding section 635 or 636 of title 10, United States Code, as added by this Act, but subject to subsection (b), a regular officer of the Army or Air Force— 10 USC 611 note. *Ante*, p. 2863.

(1) who on the effective date of this Act is serving in the temporary grade of brigadier general or major general;

(2) whose regular grade on such date is below such temporary grade; and

(3) who is promoted pursuant to section 601(a) to the regular grade equivalent to such temporary grade, *Ante*, p. 2849.

shall be subject to mandatory retirement for years of service in accordance with the laws applicable on the day before the effective date of this Act to officers in the permanent grade he held on such date. However, such an officer shall not be subject to a mandatory retirement date which is earlier than the first day of the month following the month of the thirtieth day after he completes 30 years of service as computed under section 3927(a) or 8927(a), as appropriate, of title 10, United States Code, as in effect on the day before the effective date of this Act. *Ante*, p. 2886.

(b)(1) The Secretary of the Army or the Secretary of the Air Force, as appropriate, may convene selection boards under this section for the purpose of recommending from among officers described in subsection (a) officers to be selected to be subject to mandatory retirement for years of service in accordance with the laws applicable on the day before the effective date of this Act to officers in the permanent grade to which such officers were promoted pursuant to

Ante, p. 2849.

section 601(a) or to officers in a lower permanent grade higher than the permanent grade held by such officers on the day before the effective date of this Act.

(2) Upon the recommendation of a selection board convened under this section, the Secretary concerned may select officers described in subsection (a) to be subject to mandatory retirement in accordance with the provisions of section 3922, 3923, 8922, or 8923, as appropriate, of title 10, United States Code, as in effect on the day before the effective date of this Act, rather than in the manner described in subsection (a).

Ante, p. 2886.

(3) Any selection board convened under this section shall be convened in accordance with the provisions of section 3297 or 8297, as appropriate, of title 10, United States Code, as in effect on the day before the effective date of this Act.

Ante, p. 2880.

(c) This section does not apply to an officer who—

(1) is sooner retired or separated under another provision of law;

(2) is promoted to the permanent grade of brigadier general pursuant to section 601(a) and is subsequently promoted to the permanent grade of major general under chapter 36 of title 10, United States Code, as added by this Act; or

Ante, p. 2850.

(3) is continued on active duty under section 637 of title 10, United States Code, as added by this Act.

Ante, p. 2863.

RIGHT OF MAJORS AND COLONELS TO COMPLETE YEARS OF SERVICE ALLOWED UNDER PRIOR LAW

10 USC 611 note.

SEC. 609. (a)(1) Subject to paragraph (2), an officer of the Army or Air Force who on the effective date of this Act—

(A) holds the regular grade of major; or

(B) is on a list of officers recommended for promotion to the regular grade of major,

shall be retained on active duty until he completes twenty-one years of service as computed under section 3927(a) or 8927(a), as appropriate, of title 10, United States Code (as in effect on the day before the effective date of this Act), and then be retired under the provisions of section 3913 or 8913 of such title (as in effect on the day before the effective date of this Act) on the first day of the month after the month in which he completes that service.

Ante, p. 2886.

Ante, p. 2886.

(2) Paragraph (1) does not apply to an officer who—

(A) is sooner retired or separated under another provision of law;

(B) is promoted to the regular grade of lieutenant colonel; or

(C) is continued on active duty under section 637 of title 10, United States Code, as added by this Act.

(b)(1) Subject to paragraph (2), an officer of the Army or Air Force who on the effective date of this Act—

(A) holds the regular grade of colonel; or

(B) is on a list of officers recommended for promotion to the regular grade of colonel,

shall be retired under section 3921 or 8921, as appropriate, of such title (as in effect on the day before the effective date of this Act).

Ante, p. 2886.

(2) Paragraph (1) does not apply to an officer who—

(A) is sooner retired or separated under another provision of law;

(B) is promoted to the regular grade of brigadier general; or

(C) is continued on active duty under section 637 of title 10, United States Code, as added by this Act.

Ante, p. 2863.

REGULAR OFFICERS WHOSE RETIREMENT HAS BEEN DEFERRED

SEC. 610. A regular officer of the Army or Air Force serving on active duty on the effective date of this Act whose retirement under chapter 367 or 867 of title 10, United States Code, has been deferred before that date— 10 USC 611 note. 10 USC 3911 *et seq.*, 8911 *et seq.*

(1) under a provision of such chapter; or

(2) by virtue of a suspension, under any provision of law, of provisions of such chapter which would otherwise require such retirement,

may continue to serve on active duty to complete the period for which his retirement was deferred or until such suspension is removed.

PART B—TRANSITION PROVISIONS RELATING ONLY TO THE NAVY AND MARINE CORPS

OFFICERS SERVING IN A TEMPORARY GRADE BELOW VICE ADMIRAL OR LIEUTENANT GENERAL OR RECOMMENDED FOR PROMOTION

SEC. 611. (a) Subject to subsection (b), any regular officer of the Navy or Marine Corps, and any reserve officer of the Navy and Marine Corps who on the effective date of this Act is subject to placement on the active-duty list, who on the effective date of this Act— 10 USC 611 note.

(1) is serving on active duty in a temporary grade below vice admiral or lieutenant general that is higher than his permanent grade; or

(2) is on a promotion list,

shall be considered to have been recommended for promotion to the permanent grade equivalent to the grade in which he is serving or for which he has been recommended for promotion, as the case may be, by a board convened under section 611(a) of title 10, United States Code, as added by this Act.

(b) This section does not apply to an officer—

(1) serving in a temporary grade which, by its own terms, is limited in duration;

(2) designated for limited duty in a grade to which he was appointed under section 5596 of title 10, United States Code, before the effective date of this Act; or *Ante*, p. 2894.

(3) recommended for promotion or promoted to a grade under section 5787 of such title, as in effect before the effective date of this Act.

OFFICERS FAILED OF SELECTION FOR PROMOTION

SEC. 612. An officer of the Navy or Marine Corps who on the effective date of this Act is considered to have failed of selection for promotion one or more times to a grade below the grade of captain, in the case of an officer of the Navy, or below the grade of colonel, in the case of an officer of the Marine Corps, is subject to chapter 36 of title 10, United States Code, as added by this Act, as if such failure or failures had occurred under the provisions of such chapter. 10 USC 611 note. *Ante*, p. 2850.

RIGHT OF CERTAIN OFFICERS TO RETIRE UNDER PRIOR LAW

SEC. 613. (a)(1) Subject to paragraph (2), an officer who on the effective date of this Act— 10 USC 611 note.

(A) holds the grade of lieutenant commander, commander, or captain in the Regular Navy or the grade of major, lieutenant colonel, or colonel in the Regular Marine Corps; or

(B) is on a promotion list to any such grade,

shall be retired on the date provided under the laws in effect on the day before the effective date of this Act.

(2) This subsection does not apply to an officer—

(A) sooner retired or separated under another provision of law;

(B) promoted to a higher grade in the Regular Navy or Regular Marine Corps; or

(C) continued on active duty under section 637 of title 10, United States Code, as added by this Act. *Ante*, p. 2863.

(b)(1) An officer of the Navy who on the effective date of this Act—

(A) has the grade of rear admiral in the Regular Navy; or

(B) was on a promotion list to such grade,

shall be continued on active duty or retired in accordance with the laws in effect on the day before the effective date of this Act.

(2) An officer of the Marine Corps who on the effective date of this Act—

(A) has the grade of brigadier general in the Regular Marine Corps; or

(B) was on a promotion list to such grade,

shall be retired in accordance with the laws in effect on the day before the effective date of this Act.

TRANSITION PROVISIONS TO NEW COMMODORE ADMIRAL GRADE

10 USC 611 note.

SEC. 614. (a)(1) An officer of the Navy who on the day before the effective date of this Act—

(A) was serving on active duty in the grade of rear admiral and was receiving the basic pay of a rear admiral of the upper half; or

(B) was serving on active duty in the grade of admiral or vice admiral and would have been entitled to receive the basic pay of a rear admiral of the upper half had he not been serving in such grade on such date,

shall after such date hold the permanent grade of rear admiral.

(2) An officer of the Navy who on the day before the effective date of this Act—

(A) was serving on active duty in the grade of rear admiral and was receiving the basic pay of a rear admiral of the lower half; or

(B) was serving on active duty in the grade of admiral or vice admiral and would have been entitled to receive the basic pay of a rear admiral of the lower half had he not been serving in such grade on such date,

shall after such date hold the permanent grade of commodore admiral, but shall retain the title of rear admiral.

(3) An officer who on the day before the effective date of this Act was on a list of officers recommended for promotion to the grade of rear admiral shall, upon promotion, hold the grade of commodore admiral with the title of rear admiral.

(b) An officer who on the day before the effective date of this Act—

(1) was serving on active duty in the grade of rear admiral and was entitled to the basic pay of a rear admiral of the lower half; or

(2) was on a list of officers recommended for promotion to the grade of rear admiral,

shall, on and after the effective date of this Act, or in the case of an officer on such a list, upon promotion to the grade of commodor admiral, be entitled to wear the uniform and insignia of a rear admiral.

(c) Except as otherwise provided by law, an officer of the Navy who on the day before the effective date of this Act held the grade of rear admiral on the retired list or the temporary disability retired list retains the grade of rear admiral and is entitled after such date to wear the uniform and insignia of a rear admiral. Such an officer, when ordered to active duty—

(1) holds the grade and has the right to wear the uniform and insignia of a rear admiral; and

(2) ranks among commissioned officers of the armed forces as and is entitled to the basic pay of—

(A) a commodore admiral, if his retired pay was based on the basic pay of a rear admiral of the lower half on the day before the effective date of this Act; or

(B) a rear admiral, if his retired pay was based on the basic pay of a rear admiral of the upper half on the day before the effective date of this Act.

(d)(1) An officer of the Navy who—

(A) on the effective date of this Act—

(i) was serving on active duty in the grade of rear admiral and was entitled to the basic pay of a rear admiral of the lower half or was serving on active duty in the grade of admiral or vice admiral and would have been entitled to receive the basic pay of a rear admiral of the lower half had he not been serving in such grade on such date; or

(ii) was on a list of officers recommended for promotion to the grade of rear admiral; and

(B) after such date holds the permanent grade of commodore admiral pursuant to subsection (a),

shall not be subject to the provisions of chapter 36 of title 10, United States Code, as added by this Act, relating to selection for promotion and promotion to the next higher grade. *Ante*, p. 2850.

(2) Officers to whom this subsection applies become entitled to hold the permanent grade of rear admiral under the circumstances prescribed for entitlement to the basic pay of a rear admiral of the upper half under the provisions of subsections (a) through (d) of section 202 of title 37, United States Code, as in effect on the day before the effective date of this Act. For the purposes of this subsection, officers serving in the permanent grade of rear admiral or commodore admiral in accordance with subsection (a) shall be considered as serving in the grade of rear admiral, as such grade was in effect on the day before the effective date of this Act.

(e) Unless entitled to a higher grade under another provision of law, an officer of the Navy who on the day before the effective date of this Act—

(1) was serving on active duty; and

(2) held the grade of rear admiral;

and who retires on or after the effective date of this Act, retires in the grade of rear admiral and is entitled to wear the uniform and insignia of a rear admiral. If such an officer is ordered to active duty after his retirement, he is considered, for the purposes of determining his pay, uniform and insignia, and rank among other commissioned officers, as having held the grade of rear admiral on the retired list on the day before the effective date of this Act.

(f) A reserve officer of the Navy who on the day before the effective date of this Act was in an active status and was serving in the grade of rear admiral or was on a list of reserve officers recommended for promotion to the grade of rear admiral is not subject to subsection (f) of section 6389 of title 10, United States Code, as added by this Act.

Ante, p. 2900.

FEMALE OFFICERS

10 USC 611 note.

SEC. 615. (a) Except as provided under subsection (c), each regular officer who on the effective date of this Act is serving on the active list in the line of the Navy or on the active list of the Marine Corps under an appointment made under section 5590 of title 10, United States Code, shall be reappointed in the line of the Navy or in the Marine Corps, as appropriate, in the grade and with the date of rank held by such officer immediately before such reappointment. Each such reappointment shall be made in accordance with the provisions of such title as amended by this Act but notwithstanding any limitation otherwise applicable with regard to age, grade, or physical standards.

Ante, p. 2903.

(b) Each officer of the Navy who on the effective date of this Act is serving in a staff corps under an appointment made under section 5590 of title 10, United States Code, shall be reappointed in that corps in the grade and with the date of rank held by such officer immediately before such reappointment. Each such reappointment shall be made in accordance with the provisions of such title as amended by this Act but notwithstanding any limitation otherwise applicable with regard to age, grade, or physical standards.

(c) Any officer who on the effective date of this Act is serving on the active list in the line of the Navy under an appointment made under section 5590 of title 10, United States Code, and who meets the qualifications for appointment in a staff corps of the Navy may, in lieu of being reappointed in the line of the Navy under subsection (a), be appointed in that staff corps.

(d) Each officer reappointed in a staff corps pursuant to subsection (b) or appointed in a staff corps under subsection (c) shall be considered for all purposes as having been originally appointed in such staff corps in accordance with the provisions of title 10, United States Code, as amended by this Act.

(e) Except as otherwise specifically provided by law, all provisions of law relating to appointment, promotion, separation, and retirement which are applicable to male officers of the Regular Navy or Regular Marine Corps, as appropriate, apply to officers reappointed pursuant to subsection (a) or (b) or appointed under subsection (c).

(f)(1) As soon as practicable after completion of the appointments and reappointments provided for in subsections (a), (b), and (c), the name of each officer so appointed or reappointed shall be entered on the appropriate active-duty list of the Navy or the Marine Corps in a position among officers of her grade determined in accordance with regulations prescribed by the Secretary of the Navy. Such officers shall be placed on the appropriate active-duty list without change in their relative positions held on the lineal list or any list for promotion established for them while they were serving under an appointment under any provision of title 10, United States Code, repealed by this Act.

(2) Any female officer—

(A) who, by virtue of her date of rank and other considerations, would be placed on a list of officers eligible for consideration for promotion in a position senior to an officer who has failed of selection for promotion one or more times; and

(B) who is considered to have failed of selection for promotion once or is considered to have never failed of selection for promotion, shall, for purposes of determining her eligibility for consideration for promotion to the next higher grade, be considered with those officers who are considered to have failed of selection for promotion once, or who are considered never to have failed of selection for promotion, as the case may be.

(3) A female officer who is considered to have failed of selection for promotion one or more times and whose position on the active-duty list is junior to the position of any male officer who is considered to have failed of selection for promotion a fewer number of times or not at all may not derive any advantage in the selection process by virtue of such position on the active-duty list.

(g) Except as provided in section 638 of title 10, United States Code, as added by this Act, a regular officer of the Navy or Marine Corps appointed under section 5590 of such title who—

Ante, p. 2864.

Ante, p. 2903.

(1) before the effective date of this Act had not twice failed of selection for promotion to the next higher grade; and

(2) is not selected for promotion to a higher regular grade on or after such effective date,

may not be retired earlier than such officer would have been retired had this Act not been enacted.

(h)(1) Any officer who—

(A) on the effective date of this Act is a lieutenant in the Navy or a captain in the Marine Corps;

(B) under section 6396(c) or 6401 of title 10, United States Code (as in effect on the day before the effective date of this Act), would have been discharged on June 30 of the fiscal year in which that officer (i) was not on a promotion list, and (ii) had completed 13 years of active commissioned service; and

(C) because of the enactment of this Act, is subject to discharge under section 632 of such title because such officer has twice failed of selection for promotion,

Ante, p. 2862.

shall, if such officer has not completed 13 years of active commissioned service at the time otherwise prescribed for the discharge of such officer under such section and such officer so requests, not be discharged until June 30 of the fiscal year in which the officer completes 13 years of active commissioned service.

(2) Any officer who—

(A) on the effective date of this Act is a lieutenant (junior grade) in the Navy or a first lieutenant in the Marine Corps;

(B) under section 6396(d) or 6402 of title 10, United States Code (as in effect on the day before the effective date of this Act), would have been discharged on June 30 of the fiscal year in which that officer (i) was not on a promotion list, and (ii) had completed 7 years of active commissioned service; and

(C) because of the enactment of this Act, is subject to discharge under section 631 of such title because such officer has twice failed of selection for promotion,

Ante, p. 2861.

shall, if that officer has not completed 7 years of active commissioned service at the time otherwise prescribed for such discharge under such section and such officer so requests, not be discharged until June 30 of the fiscal year in which the officer completes 7 years of active commissioned service.

LIMITED-DUTY OFFICERS

10 USC 611 note.

Sec. 616. An officer of the Regular Navy or Regular Marine Corps who on the effective date of this Act is an officer who was designated for limited duty before that date under section 5589 of title 10, United

Ante, pp. 2893, 2898.

Ante, p. 2850.

States Code, is subject to section 6383 of such title (as in effect on the day before the effective date of this Act), unless promoted to a higher permanent grade under chapter 36 of title 10, United States Code, as added by this Act.

CERTAIN NAVY LIEUTENANTS HOLDING TEMPORARY APPOINTMENTS IN THE GRADE OF LIEUTENANT COMMANDER

10 USC 611 note.

SEC. 617. Any officer who on the effective date of this Act holds a temporary appointment in the grade of lieutenant commander under section 5787d of title 10, United States Code, shall on and after such date be considered to be serving in such grade as if such appointment had been made under section 5721 of such title, as added by this Act.

DIRECTOR OF BUDGET AND REPORTS OF THE NAVY

10 USC 611 note.

SEC. 618. (a) An officer of the Navy who on the day before the effective date of this Act was serving on active duty and entitled to rank and privileges of retirement under section 5064 of title 10, United States Code, as in effect on the day before the effective date of this Act, shall have his rank and retirement privileges determined under the laws in effect on such date.

PART C—GENERAL TRANSITION PROVISIONS

ESTABLISHMENT OF INITIAL ACTIVE-DUTY LISTS

10 USC 611 note.

SEC. 621. (a)(1) Not later than 6 months after the effective date of this Act, all officers of the Army, Navy, Air Force, and Marine Corps who are required to be placed on the active-duty list for their armed force under chapter 36 of title 10, United States Code, as added by this Act, shall be placed on such list with the same relative seniority which they held on the day before the effective date of this Act. An officer placed on an active-duty list under this section shall be considered to have been placed on such list as of the effective date of this Act.

Ante, p. 2850.

Ante, p. 2855.

(2) Regulations prescribed under section 620 of title 10, United States Code, as added by this Act, shall be applicable to the placement of officers on the active-duty list under paragraph (1).

(b) In order to maintain the relative seniority among officers of the Army, Navy, Air Force, or Marine Corps as it existed on the day before the effective date of this Act, the Secretary of the military department concerned may, during the 1-year period beginning on the effective date of this Act, adjust the date of rank of any officer of such armed force who was serving on active duty on such effective date. The authority of the Secretary concerned under this section shall be administered under regulations prescribed by the Secretary of Defense which shall apply uniformly among the Army, Navy, Air Force, and Marine Corps.

OFFICERS SERVING IN THE SAME TEMPORARY GRADE AND PERMANENT GRADE; DATE OF RANK

10 USC 611 note.

SEC. 622. (a) Any officer of the Army, Navy, Air Force, or Marine Corps who on the effective date of this Act is serving on active duty in a temporary grade which is the same as his permanent grade shall on such date be serving in such grade subject to this title and the amendments made by this Act. The date of rank of such officer in that grade is the date of his temporary appointment to that grade.

OFFICERS SERVING IN GRADES ABOVE MAJOR GENERAL OR REAR ADMIRAL

SEC. 623. (a) Any officer who on the day before the effective date of this Act held a temporary appointment in the grade of lieutenant general or general under section 3066, 5232, or 8066 of title 10, United States Code, or a temporary appointment in the grade of vice admiral or admiral under section 5231 of such title, shall on and after such date be considered to be serving in such grade as if such appointment had been made under section 601 of such title, as added by this Act. 10 USC 611 note. *Ante*, pp. 2878, 2896. *Ante*, p. 2896. *Ante*, p. 2849.

(b)(1) Any designation of a position as a position of importance and responsibility made by the President under section 3066 or 8066 of title 10, United States Code, before the effective date of this Act, shall remain in effect, unless changed by the President, as a designation of such position as a position of importance and responsibility under section 601 of such title, as added by this Act. *Ante*, p. 2849.

(2) Any position held by an officer under section 5231 or 5232 of title 10, United States Code, on the effective date of this Act shall, unless changed by the President, be deemed to be a position of importance and responsibility designated by the President under section 601 of title 10, United States Code. *Ante*, p. 2896. *Ante*, p. 2849.

(c) Any officer who before the effective date of this Act served in the grade of lieutenant general, general, vice admiral, or admiral but was not serving in such grade on the day before the effective date of this Act shall for the purposes of section 1370(c) of title 10, United States Code, as added by this Act, be deemed to have held such position under an appointment made under section 601 of such title, as added by this Act. *Ante*, p. 2876. *Ante*, p. 2849.

YEARS OF SERVICE FOR INVOLUNTARY RETIREMENT OR DISCHARGE

SEC. 624. (a) In determining whether any officer of the Army, Navy, Air Force, or Marine Corps who was on active duty on the day before the effective date of this Act is subject to involuntary retirement or discharge under chapter 36 of title 10, United States Code, as added by this Act, the years of service of the officer for such purpose shall be computed by adding— 10 USC 611 note. *Ante*, p. 2850.

(1) the amount of service creditable to such officer on the day before the effective date of this Act for the purpose of determining whether the officer is subject to involuntary retirement or discharge; and

(2) all subsequent active commissioned service of such officer.

(b) In the case of an officer for whom no means of computing service creditable in determining whether the officer is subject to involuntary retirement or discharge existed under the law in effect on the day before the effective date of this Act, the amount of creditable service of such officer for such purpose for the period before the effective date of this Act shall be determined under regulations prescribed by the Secretary of Defense, except that such an officer may not be credited with an amount of service less than the amount of his active commissioned service.

SAVINGS PROVISION FOR CONSTRUCTIVE SERVICE PREVIOUSLY GRANTED

SEC. 625. (a) The amendments made by this Act do not affect the crediting of years of service to any person who on the day before the effective date of this Act— 10 USC 611 note.

(1) had been credited with years of service upon an original appointment as an officer or after such an appointment; or

(2) was participating in a program leading to an appointment as an officer in the Army, Navy, Air Force, or Marine Corps and the crediting of years of service.

(b)(1) Any officer who on the effective date of this Act is an officer of the Army or Navy in the Medical or Dental Corps of his armed force, an officer of the Air Force designated as a medical or dental officer, or an officer of the Public Health Service commissioned as a medical or dental officer is entitled to include in the years of service creditable to him for the computation of basic pay and retired pay the years of service creditable to him for such purposes under clauses (7) and (8) of section 205(a) of title 37, United States Code, as in effect on the day before the effective date of this Act.

(2) Any person who on the day before the effective date of this Act was enrolled in the Uniformed Services University of the Health Sciences under chapter 104 of this title or the Armed Forces Health Professions Scholarship Program under chapter 105 of this title and who on or after the effective date of this Act graduates from such university or completes such program, as the case may be, and is appointed in one of the categories specified in paragraph (1) is entitled to include in the years of service creditable to him for the computation of basic pay and retired pay the years of service that would have been credited to him under clauses (7) and (8) of section 205(a) of title 37, United States Code, as in effect on the day before the effective date of this Act, had such clauses not been repealed by this Act.

10 USC 2112 *et seq.*
10 USC 2120 *et seq.*

MISCELLANEOUS PROVISIONS RELATING TO YEARS OF SERVICE

10 USC 611 note.

SEC. 626. (a) For the purpose of computing the years of service for pay and allowances of an officer of the Army, Navy, Air Force, or Marine Corps, including retired pay, severance pay, readjustment pay, separation pay, and basic pay, the total years of service of such officer shall be computed by adding to that service so creditable on the day before the effective date of this Act all subsequent service as computed under title 10, United States Code, as amended by this Act.

(b) An officer of the Army, Navy, Air Force, or Marine Corps who was on active duty on the effective date of this Act and who is retired under any provision of chapter 36 of title 10, United States Code, as added by this Act, shall be entitled to retired pay in an amount equal to not less than 50 percent of the basic pay upon which his retired pay is based.

Ante, p. 2850.

(c) The service that an officer of the Army, Navy, Air Force, or Marine Corps has in a particular grade is the sum of—

(A) the years, months, and days of service in that grade accrued under the laws in effect before the effective date of this Act; and

(B) the years, months, and days of service in that grade accrued under the laws in effect on and after the effective date of this Act.

TRANSITION TO OFFICER GRADE-STRENGTH TABLES DURING FISCAL YEAR 1981

10 USC 611 note.

SEC. 627. For the fiscal year ending on September 30, 1981, the maximum number of officers authorized to be serving on active duty as of the end of such fiscal year in each of the grades of major, lieutenant colonel, and colonel for the Army, Air Force, and Marine Corps, and in each of the grades of lieutenant commander,

commander, and captain for the Navy, under section 523 of title 10, United States Code, as added by this Act, is increased by the number equal to one-half the difference between (1) the actual number of officers of that armed force serving on active duty in that grade on September 30, 1980 (excluding officers in categories specified in subsection (b) of such section), and (2) the number specified in the table contained in such section for such armed force and grade based upon the total number of commissioned officers of such armed force on active duty on September 30, 1981 (excluding officers in categories specified in subsection (b) of such section).

Ante, p. 2842.

RIGHT OF COMMISSIONED OFFICERS WITH PERMANENT ENLISTED OR WARRANT OFFICER STATUS TO RETIRE IN HIGHEST ENLISTED OR WARRANT OFFICER GRADE HELD

10 USC 611 note.

SEC. 628. (a) A member of the Army, Navy, Air Force, or Marine Corps who—

(1) on the day before the effective date of this Act had a permanent status as an enlisted member or as a warrant officer (or had a statutory right to be enlisted or to be appointed as a warrant officer) and was serving as an officer under a temporary appointment; and

(2) on or after the effective date of this Act and before completing 10 years of commissioned service for purposes of retirement eligibility under section 3911, 6323, or 8911 of title 10, United States Code, completes 20 years of total service, as determined under section 1405 of such title,

Ante, p. 2877.

is entitled to retire or transfer to the Fleet Reserve or Fleet Marine Corps Reserve in the highest grade he held as an enlisted member or a warrant officer.

SAVINGS PROVISION FOR RETIRED GRADE FOR OFFICERS NOT SUBSEQUENTLY PROMOTED

10 USC 611 note.
Ante, p. 2876.

SEC. 629. In applying section 1370(a)(2) of title 10, United States Code, as added by this Act, to an officer of the Army, Navy, Air Force, or Marine Corps who was on active duty on the day before the effective date of this Act and who on or after the effective date of this Act is not promoted to a grade higher than the grade he held on the day before the effective date of this Act or, in the case of an officer who was on a list of officers recommended for promotion on such date, is not promoted to a grade higher than the grade to which he was recommended for promotion, "two years" shall be substituted for "three years".

EXEMPTION OF CERTAIN OFFICERS FROM SELECTIVE EARLY RETIREMENT PROVISIONS

10 USC 611 note.

SEC. 630. An officer of the Army, Navy, Air Force, or Marine Corps who was recommended for continuation on the active list under the Act entitled "An Act to provide improved opportunity for promotion for certain officers in the naval service, and for other purposes", approved August 11, 1959 (Public Law 86-155; 10 U.S.C. 5701 note), or under section 10 of the Act entitled "An Act relating to the promotion and separation of certain officers of the regular components of the armed forces", approved July 12, 1960 (Public Law 86-616; 10 U.S.C. 3297 note), is not subject to section 638 of title 10, United States Code, as added by this Act, relating to selective early retirement.

Ante, p. 2864.

SAVINGS PROVISION FOR ENTITLEMENT TO READJUSTMENT PAY OR SEVERANCE PAY UNDER PRIOR PROVISIONS OF LAW

10 USC 611 note.

SEC. 631. (a) A member of the Army, Navy, Air Force, or Marine Corps who—

(1) was on active duty (other than for training) on the day before the effective date of this Act; and

(2) after such date is involuntarily discharged or released from active duty under any provision of title 10, United States Code, as in effect on or after such date,

is entitled to receive any readjustment payment or severance pay to which he would have been entitled under laws in effect on the day before the effective date of this Act.

Ante, p. 2870.

(b) If a member to whom subsection (a) applies is eligible to receive separation pay under section 1174 of title 10, United States Code, as added by this Act, the member may not receive both a readjustment payment or severance pay under laws in effect on the day before the effective date of this Act and separation pay under such section, but shall elect which he will receive. If the member fails to make an election in a timely manner, he shall be paid the amount which is more favorable to him.

OFFICERS ON ACTIVE DUTY IN GRADE ABOVE GENERAL

10 USC 611 note.
Ante, p. 2875.

SEC. 632. Section 1251 of title 10, United States Code, as added by this Act, relating to mandatory retirement for age, shall not apply to any officer who on the effective date of this Act was on active duty in a grade above general.

DEFINITIONS

10 USC 611 note.

SEC. 633. For the purposes of this title:

(1) The term "officer" does not include warrant officers.

(2) The term "active-duty list" means the active-duty list established by the Secretary of the military department concerned pursuant to section 620 of title 10, United States Code, as added by this Act.

Ante, p. 2855.

PART D—ADJUSTMENTS TO TRANSITION PROVISIONS FOR HEALTH PROFESSIONALS SPECIAL PAY

PRESERVATION OF ENTITLEMENT FOR RESERVE MEDICAL OFFICERS

10 USC 611 note.

SEC. 641. Any person—

(1) who before June 30, 1980, served on active duty for not less than one year as a reserve officer of the Medical Corps of the Army or the Medical Corps of the Navy, as a reserve officer of the Air Force designated as a medical officer, or as a reserve medical officer of the Public Health Service; and

(2) who after having so served on active duty for not less than one year received special pay under section 302 of title 37, United States Code, as in effect during the period beginning on May 6, 1974, and ending on June 30, 1980, for service performed during such period,

shall be considered to have been entitled to such pay as if that part of such section, as in effect during such period, which read "who is on active duty for a period of at least one year" read "who has served on active duty for not less than one year".

PRESERVATION OF LEVEL OF PAY FOR SENIOR DENTAL OFFICERS

SEC. 642. (a) Any officer of the Dental Corps of the Army or the Dental Corps of the Navy, and any officer of the Air Force designated as a dental officer, who was serving on active duty as such an officer on September 30, 1979, and who completes 20 years of active service after such date is entitled, while serving on active duty, to receive for any period after he completes such 20 years of service a total amount of basic pay and special pay paid under section 311 of title 37, United States Code, in an amount not less than the sum of— 10 USC 611 note.

(1) the amount of basic pay which such officer would be entitled to receive if the rates of basic pay in effect on October 1, 1979, had continued in effect; and

(2) the amount of special pay under section 311 of such title which such officer would be entitled to receive under the regulations of the Secretary of Defense in effect on September 30, 1979, if such regulations had continued in effect.

(b) For the purposes of this section, special pay under section 311 of title 37, United States Code, shall be determined—

(1) on a monthly, rather than an annual, basis; and

(2) based on the rates of basic pay in effect on October 1, 1979.

TITLE VII—EFFECTIVE DATES AND GENERAL SAVINGS PROVISIONS

EFFECTIVE DATES

SEC. 701. (a) Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on September 15, 1981. 10 USC 101 note.

(b)(1) The authority to prescribe regulations under the amendments made by titles I through IV and under the provisions of title VI shall take effect on the date of the enactment of this Act.

(2) The amendment made by section 415 shall take effect as of July 1, 1980. *Ante*, p. 2906.

(3) The amendments made by part B of title V shall take effect on the date of the enactment of this Act. *Ante*, p. 2920.

(4) Part D of title VI shall take effect on the date of the enactment of this Act. *Ante*, p. 2954.

PRESERVATION OF SUSPENDED STATUS OF LAW IN SUSPENDED STATUS ON EFFECTIVE DATE

SEC. 702. If a provision of law that is in a suspended status on the day before the effective date of this Act is amended by this Act, the suspended status of that provision is not affected by that amendment. 10 USC 101 note.

GENERAL SAVINGS PROVISION

10 USC 101 note.

SEC. 703. Except as otherwise provided in this Act, the provisions of this Act and the amendments made by this Act do not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before the effective date of this Act.

Approved December 12, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1462 (Comm. on Armed Services).
SENATE REPORT No. 96-375 (Comm. on Armed Services).
CONGRESSIONAL RECORD:
Vol. 125 (1979): Nov. 30, considered and passed Senate.
Vol. 126 (1980): Nov. 17, considered and passed House, amended.
Nov. 21, Senate concurred in House amendment.

Public Law 96-514
96th Congress

An Act

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1981, and for other purposes.

Dec. 12, 1980
[H.R. 7724]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 1981, and for other purposes, namely:

Department of the Interior and related agencies. Appropriations, fiscal year 1981.

TITLE I—DEPARTMENT OF THE INTERIOR

LAND AND WATER RESOURCES

Bureau of Land Management

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, and performance of other functions, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, $343,962,000.

ACQUISITION, CONSTRUCTION, AND MAINTENANCE

For acquisition of lands and interests therein, and construction and maintenance of buildings, recreation facilities, roads, trails, and appurtenant facilities, $14,768,000, to remain available until expended.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976 (31 U.S.C. 1601), $103,000,000, of which not to exceed $400,000 shall be available for administrative expenses: *Provided,* That this appropriation may be used to correct underpayments in the previous fiscal year to achieve equity among all qualified recipients.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands; an amount equivalent to 25 per centum of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands, to remain available until expended: *Provided*, That the amount appropriated herein for the purposes of this appropriation on lands administered by the Forest Service shall be transferred to the Forest Service, Department of Agriculture: *Provided further*, That the amount appropriated herein for road construction on lands other than those administered by the Forest Service shall be transferred to the Federal Highway Administration, Department of Transportation: *Provided further*, That the amount appropriated herein is hereby made a reimbursable charge against the Oregon and California land grant fund and shall be reimbursed to the general fund in the Treasury in accordance with the provisions of the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876): *Provided further*, That not to exceed $58,200,000 available from receipts shall be obligated in fiscal year 1981 for Oregon and California grant lands.

RANGE IMPROVEMENTS

43 USC 1751.

For rehabilitation, protection, acquisition of lands and interests therein, and improvement of Federal range lands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), sums equal to fifty percent of all monies received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315, et seq.), but not less than $10,000,000 (43 U.S.C. 1901), and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, to remain available until expended.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under sections 304(a), 304(b), 305(a), and 504(g) of the Act approved October 21, 1976 (43 U.S.C. 1701); and sections 101 and 203 of Public Law 93-153, to be immediately available until expended.

43 USC 1734, 1735, 1764.
30 USC 185, 43 USC 1652.

MISCELLANEOUS TRUST FUNDS

43 USC 1737.

In addition to amounts authorized to be expended under existing law, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act.

43 USC 1721.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, insurance on official motor vehicles, aircraft, and boats operated by the Bureau of Land Management in Canada; and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; $10,000 for payment, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the United States Bureau of Land Management; miscellaneous and emergency expenses of enforcement activities, authorized or approved by the Secretary and to be accounted for solely on his certificate, not to exceed $10,000: *Provided,* That appropriations herein made for the Bureau of Land Management expenditures in connection with the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands (other than expenditures made under the appropriation "Oregon and California grant lands") shall be reimbursed to the general fund of the Treasury from the 25 per centum referred to in subsection (c), title II, of the Act approved August 28, 1937 (50 Stat. 876), of the special fund designated the "Oregon and California land grant fund" and section 4 of the Act approved May 24, 1939 (53 Stat. 754), of the special fund designated the "Coos Bay Wagon Road grant fund": *Provided further,* That appropriations herein made may be expended on a reimbursable basis for (1) surveys of lands other than those under the jurisdiction of the Bureau of Land Management and (2) protection of lands for the State of Alaska: *Provided further,* That the Secretary of the Interior shall develop criteria for extending, on a case-by-case basis, the period allowed for phased livestock reductions on public rangelands administered through the Bureau of Land Management up to five years. Such criteria shall take into account available agricultural assistance programs, the magnitude of projected livestock reductions, alternative pasturage available, and ability of such public rangelands to sustain such phasing in of livestock reductions without damage to rangeland productivity: *Provided further,* That an appeal of any reductions in grazing allotments on public rangelands must be taken within 30 days after receipt of a final grazing allotment decision or 90 days after the effective date of this Act in the case of reductions ordered during 1979, whichever occurs later. Reductions of up to 10 per centum in grazing allotments shall become effective when so designated by the Secretary of the Interior. Upon appeal any proposed reduction in excess of 10 per centum shall be suspended pending final action on the appeal, which shall be completed within 2 years after the appeal is filed: *Provided further,* That, none of the funds provided in this Act to the Bureau of Land Management may be expended to determine suitability or nonsuitability for wilderness or for any wilderness study area designation as directed in 43 U.S.C. 1782 of the Federal Land Policy and Management Act of the lands withdrawn by the Executive Order numbered 3767 of December 19, 1922, to be used by the United States Department of Agriculture for a sheep experiment station.

43 USC 1752 note.

OFFICE OF WATER RESEARCH AND TECHNOLOGY

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Water Research and Development Act of 1978 (Public Law 95-467) and provisions of Public Law 95-84, as amended (42 U.S.C. 1959-1959i), $30,485,000 of which $10,720,000 shall remain available for obligation until September 30, 1982.

42 USC 7801 note.
42 USC 7836.

FISH AND WILDLIFE AND PARKS

HERITAGE CONSERVATION AND RECREATION SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Heritage Conservation and Recreation Service, not otherwise provided for, $15,980,000.

URBAN PARK AND RECREATION FUND

16 USC 2501 note.

For expenses necessary to carry out the provisions of the Urban Park and Recreation Recovery Act of 1978 (title 10 of Public Law 95-625), $20,000,000, to remain available until expended.

LAND AND WATER CONSERVATION FUND

16 USC 460*l*-4—460*l*-11.

16 USC 460*l*-5.

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4-11), including $7,708,000 for administrative expenses of the Heritage Conservation and Recreation Service during the current fiscal year, and acquisition of land or waters, or interest therein, in accordance with the statutory authority applicable to the State or Federal agency concerned, to be derived from the Land and Water Conservation Fund, established by section 2 of said Act as amended, to remain available until expended, $378,593,000, of which (1) $228,745,000 shall be available for payments to the States in accordance with section 6(c) of said Act; (2) $1,135,000 shall be available to the Bureau of Land Management; (3) $39,416,000 shall be available to the Forest Service; (4) $21,520,000 shall be available to the United States Fish and Wildlife Service; and (5) $80,211,000 shall be available to the National Park Service: *Provided,* That not to exceed $6,000,000 of the amount provided for State assistance may be available as a contingency reserve to be administered by the Secretary to meet unforeseen needs of the States.

16 USC 460*l*-5a.
16 USC 460*l*-5 and note, 460*l*-7, 460*l*-9, 460*l*-10a—460*l*-10c, 460*l*-22.
16 USC 460*l*-4 note.
16 USC 396e.
16 USC 396d.

Notwithstanding the provisions of Public Law 90-401, revenues from recreation fee collections by Federal agencies shall hereafter be paid into the Land and Water Conservation Fund, to be available for appropriation for any or all purposes authorized by the Land and Water Conservation Fund Act of 1965, as amended, without regard to the source of such revenues.

Notwithstanding any other provision of law, the Secretary is authorized and shall seek to acquire the lands described in section 505(a) of the Act of November 10, 1978 (92 Stat. 3467) by first acquiring Federal surplus lands of equivalent value from the General Services Administration and then exchanging such surplus lands for the lands described in section 505(a) of that Act with the land owners. Exchanges shall be on the basis of equal value, and any party to the exchange may pay or accept cash in order to equalize the value of the property exchanged.

HISTORIC PRESERVATION FUND

16 USC 470h.

For expenses necessary in carrying out the provisions of the Historic Preservation Act of 1966 (80 Stat. 915), as amended (16 U.S.C. 470), $32,500,000, to be derived from the Historic Preservation Fund, established by section 108 of that Act, as amended, to remain available for obligation until September 30, 1982: *Provided,* That not to exceed fifteen percent of the funds in this appropriation may be

used for grants for renovation of State and local government buildings still in use for governmental purposes: *Provided further,* That not to exceed $1,000,000 may be available as a discretionary reserve to be administered by the Secretary for special or innovative preservation programs.

ADMINISTRATIVE PROVISION

None of the funds appropriated to the Heritage Conservation and Recreation Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided,* That none of the funds appropriated to the Heritage Conservation and Recreation Service may be used to add industrial facilities to the list of National Historic Landmarks without the consent of the owner.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For expenses necessary for scientific and economic studies, conservation, management, investigations, protection, and utilization of sport fishery and wildlife resources, except whales, seals, and sea lions, and for the performance of other authorized functions related to such resources; and maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge, $225,566,000, of which not to exceed $4,000,000 shall remain available until expended: *Provided,* That funds in this appropriation may be used to issue regulations that will permit modification to the habitat of a threatened or endangered species when the net effect of the modification is equal to, favorable to, and not adverse to the protection of the species.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $8,500,000.

CONSTRUCTION AND ANADROMOUS FISH

For construction and acquisition of buildings and other facilities required in the conservation, management, investigations, protection, and utilization of sport fishery and wildlife resources, and the acquisition of lands and interests therein; and for expenses necessary to carry out the Anadromous Fish Conservation Act (16 U.S.C. 757a–757f); $37,897,000, to remain available until expended.

MIGRATORY BIRD CONSERVATION ACCOUNT

For an advance to the migratory bird conservation account, as authorized by the Act of October 4, 1971, as amended (16 U.S.C. 715k 3, 5), $1,250,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 160 passenger motor vehicles, of which 137 are for replacement only (including 71 for police-type use); purchase of one aircraft for replacement only; not to exceed $100,000 for payment, at the discretion of the Secretary, for information, rewards, or evidence concerning violations of laws administered by the United States Fish and Wildlife

Service; miscellaneous and emergency expenses of enforcement activities, authorized or approved by the Secretary and to be accounted for solely on his certificate, not to exceed $75,000; insurance on official motor vehicles, aircraft and boats operated by the United States Fish and Wildlife Service in Mexico and Canada; repair of damage to public roads within and adjacent to reservation areas caused by operations of the United States Fish and Wildlife Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are not inconsistent with their primary purpose, and the maintenance and improvement of aquaria, buildings and other facilities under the jurisdiction of the United States Fish and Wildlife Service and to which the United States has title, and which are utilized pursuant to law in connection with management and investigation of fish and wildlife resources.

National Park Service

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), including not to exceed $341,000 for the Roosevelt Campobello International Park Commission, $444,828,000 without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451): *Provided*, That not to exceed $5,000,000 may be available for operation of the National Visitor Center and of that amount not to exceed $3,500,000 may be used for payment of rent: *Provided further*, That the Park Service shall not enter into future concessionaire contracts, including renewals, that do not include a termination for cause clause that provides for possible extinguishment of possessory interests excluding depreciated book value of concessionaire investments without compensation: *Provided further*, That $150,000 shall be available for the National Park Service to assist the Town of Harpers Ferry, West Virginia, for police force use: *Provided further*, That $1,000,000 shall be available for assistance to the National Symphony Orchestra of Washington, District of Columbia, such assistance to be available only to the extent matched by the National Symphony Orchestra with a like amount of contributions or pledges derived from non-government sources which have not previously been used for Federal matching purposes: *Provided further*, That appropriations for maintenance and improvement of roads within the boundary of Indiana Dunes National Lakeshore shall be available for such purposes without regard to whether title to such road rights-of-way is in the United States: *Provided further*, That not to exceed $200,000 shall be available for commemoration of the 200th anniversary of the Battle of Yorktown at Colonial National Historical Park.

16 USC 20b note.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451), $43,367,000, to remain available until expended.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

For expenses necessary for operating and maintaining the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, $4,400,000.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 179 passenger motor vehicles, of which 128 shall be for replacement only, including not to exceed 105 for police-type use; and to provide, notwithstanding any other provision of law, at a cost not exceeding $100,000, transportation for children in nearby communities to and from any unit of the National Park System used in connection with organized recreation and interpretive programs of the National Park Service; and options for the purchase of land at not to exceed $1 for each option: *Provided,* That any funds available to the National Park Service may be used, with the approval of the Secretary, to maintain law and order in emergency and other unforeseen law enforcement situations in the National Park System; and to provide insurance on official motor vehicles and aircraft operated by the National Park Service in Mexico and Canada: *Provided further,* That none of the funds appropriated to the National Park Service shall be used to implement or enforce any component of the National Park Service's Noise Abatement Plan for Grand Teton National Park or any other proposed regulations to apply to the Jackson Hole Airport.

ENERGY AND MINERALS

GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the Geological Survey to perform surveys, investigations, and research covering topography, geology, and the mineral and water resources of the United States, its Territories and possessions, and other areas as authorized by law (43 U.S.C. 31, 1332, and 1340); classify lands as to mineral character and water and power resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; enforce departmental regulations applicable to oil, gas, and other mining leases, permits, licenses, and operating contracts; control the interstate shipment of contraband oil as required by law (15 U.S.C. 715); administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; $486,537,000, of which $40,724,000 shall be available only for cooperation with States or municipalities for water resources investigations: *Provided,* That no part of this appropriation shall be used to pay more than one-half the cost of any topographic mapping or water resources investigations carried on in cooperation with any State or municipality: *Provided further,* That up to $150,000 shall be expended to conduct studies of the structure and stratigraphy and to develop a geological mapping system near the Osburn fault in the Coeur d' Alene mining district of northern Idaho.

43 USC USC 50.

EXPLORATION OF NATIONAL PETROLEUM RESERVE IN ALASKA

42 USC 6508.
42 USC 6504.

For necessary expenses of carrying out the provisions of section 104 of Public Law 94-258, and for conducting hereafter and with funds appropriated by this Act and by subsequent appropriation Acts, notwithstanding any other provision of law and pursuant to such rules and regulations as the Secretary may prescribe, an expeditious program of competitive leasing of oil and gas in the National Petroleum Reserve in Alaska, $107,001,000, to remain available until expended: *Provided*, That (1) activities undertaken pursuant to this Act shall include or provide for such conditions, restrictions, and prohibitions as the Secretary deems necessary or appropriate to mitigate reasonably foreseeable and significantly adverse effects on the surface resources of the National Petroleum Reserve in Alaska (the Reserve); (2) the provisions of section 202 and section 603 of the Federal Lands Policy and Management Act of 1976 (90 Stat. 2743) shall not be applicable to the Reserve; (3) the first lease sale shall be conducted within twenty months of the date of enactment of this Act: *Provided*, That the first lease sale shall be conducted only after publication of a final environmental impact statement if such is deemed necessary under the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4332); (4) the withdrawals established by section 102 of Public Law 94-258 are rescinded for the purposes of the oil and gas leasing program authorized herein; (5) bidding systems used in lease sales shall be based on bidding systems included in section 205(a)(1) (A) through (H) of the Outer Continental Shelf Lands Act Amendments of 1978 (92 Stat. 629); (6) lease tracts may encompass identified geological structures; (7) the size of lease tracts may be up to sixty thousand acres, as determined by the Secretary; (8) each lease shall be issued for an initial period of up to ten years, and shall be extended for so long thereafter as oil or gas is produced from the lease in paying quantities, or as drilling or reworking operations, as approved by the Secretary, are conducted thereon; and (9) all receipts from sales, rentals, bonuses, and royalties on leases issued pursuant to this Act shall be paid into the Treasury of the United States: *Provided*, That 50 per centum thereof shall be paid by the Secretary of the Treasury semiannually, as soon as practicable after March 30 and September 30 each year, to the State of Alaska for (a) planning, (b) construction, maintenance, and operation of essential public facilities, and (c) other necessary provisions of public service: *Provided further*, That in the allocation of such funds, the State shall give priority to use by subdivisions of the State most directly or severely impacted by development of oil and gas leased under this Act.

43 USC 1712, 1782.

42 USC 6502.

43 USC 1337.

Any agency of the United States and any person authorized by the Secretary may conduct geological and geophysical explorations in the National Petroleum Reserve in Alaska which do not interfere with operations under any contract maintained or granted previously. Any information acquired in such explorations shall be subject to the conditions of 43 U.S.C. 1352(a)(1)(A).

Judicial review.
Publication in Federal Register.

Any action seeking judicial review of the adequacy of any program or site-specific environmental impact statement under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) concerning oil and gas leasing in the National Petroleum Reserve-Alaska shall be barred unless brought in the appropriate District Court within 60 days after notice of the availability of such statement is published in the Federal Register. Any proceeding on such action shall be assigned for hearing at the earliest possible date and shall be expedited by such Court.

The detailed environmental studies and assessments that have been conducted on the exploration program and the comprehensive land-use studies carried out in response to sections 105 (b) and (c) of Public Law 94-258 shall be deemed to have fulfilled the requirements of section 102(2)(c) of the National Environmental Policy Act (Public Law 91-190), with regard to the first two oil and gas lease sales in the National Petroleum Reserve-Alaska: *Provided*, That not more than a total of 2,000,000 acres may be leased in these two sales: *Provided further*, That any exploration or production undertaken pursuant to this section shall be in accordance with section 104(b) of the Naval Petroleum Reserves Production Act of 1976 (90 Stat. 304; 42 U.S.C. 6504).

42 USC 6505.

42 USC 4332.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the Geological Survey shall be available for purchase of not to exceed 22 passenger motor vehicles, of which 19 shall be for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for observation wells; expenses of the U.S. National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Geological Survey appointed, as authorized by law, to represent the United States in the negotiation and administration of interstate compacts.

BUREAU OF MINES

MINES AND MINERALS

For expenses necessary for conducting inquiries, technological investigations and research concerning the extraction, processing, use and disposal of mineral substances without objectionable social and environmental costs; to foster and encourage private enterprise in the development of mineral resources and the prevention of waste in the mining, minerals, metal and mineral reclamation industries; to inquire into the economic conditions affecting those industries; to promote health and safety in mines and the mineral industry through research; and for other related purposes as authorized by law, $139,428,000, of which $107,726,000 shall remain available until expended.

ADMINISTRATIVE PROVISION

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private: *Provided*, That the Bureau of Mines is authorized during the current fiscal year, to sell directly or through any Government agency, including corporations, any metal or mineral product that may be manufactured in pilot plants operated by the Bureau of Mines, and the proceeds of such sales shall be covered into the Treasury as miscellaneous receipts.

Office of Surface Mining Reclamation and Enforcement

REGULATION AND TECHNOLOGY

30 USC 1201 note.

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, $92,833,000 including the purchase of not to exceed 34 passenger motor vehicles for replacement only.

ABANDONED MINE RECLAMATION FUND

30 USC 1231.

30 USC 1233.

For necessary expenses to carry out the provisions of title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, including the purchase of not more than 34 passenger motor vehicles for replacement only, to remain available until expended, $82,485,000, of which $16,000,000 shall be available to the Bureau of Mines to carry out research, demonstration, and reclamation projects authorized by section 403, Public Law 95-87, to be derived from receipts of the Abandoned Mine Reclamation Fund.

INDIAN AFFAIRS

Bureau of Indian Affairs

OPERATION OF INDIAN PROGRAMS

25 USC 640d-18.

20 USC 2303.

For expenses necessary to provide education and welfare services for Indians, either directly or in cooperation with States and other organizations, including payment (in advance or from date of admission) of care, tuition, assistance, and other expenses of Indians in boarding homes, institutions, or schools; grants and other assistance to needy Indians; maintenance of law and order and payment of rewards for information or evidence concerning violations of law on Indian reservation lands or treaty fishing rights tribal use areas; management, development, improvement, and protection of resources and appurtenant facilities under the jurisdiction of the Bureau of Indian Affairs, including payment of irrigation assessments and charges; acquisition of water rights; advances for Indian industrial and business enterprises; operation of Indian arts and crafts shops and museums; development of Indian arts and crafts, as authorized by law; and for the general administration of the Bureau of Indian Affairs, including such expenses in field offices, $812,739,000, of which not to exceed $58,345,000 for higher education scholarships and assistance to public schools under the Act of April 16, 1934, shall remain available for obligation until September 30, 1982, and the funds made available to tribes and tribal organizations through contracts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450) shall remain available until September 30, 1982: *Provided,* That this carryover authority does not extend to programs directly operated by the Bureau of Indian Affairs; and includes expenses necessary to carry out the provisions of section 19(a) of Public Law 93-531, $5,498,000, to remain available until expended: *Provided further,* That none of these funds shall be expended as matching funds for programs funded under section 103(a)(1)(B)(iii) of the Vocational Education Act of 1963 as amended by the Act of June 3, 1977 (Public Law 95-40): *Provided further,* That notwithstanding the provisions of section 6 of the Act of April 16, 1934 (48 Stat. 596), as added by section

202 of the Indian Education Assistance Act (88 Stat. 2213, 2214; 25 U.S.C. 457) funds appropriated pursuant to this or any other Act for fiscal years ending September 30 of 1980 and 1981 may be utilized to reimburse school districts for up to the full per capita cost of educating Indian students (1) who are normally residents of the State in which such school districts are located but do not normally reside in such districts, and (2) who are residing in Federal boarding facilities for the purpose of attending public schools within such districts.

CONSTRUCTION

For construction, major repair and improvement of irrigation and power systems, buildings, utilities, and other facilities; acquisition of lands and interests in land; preparation of lands for farming; and architectural and engineering services by contract, $100,182,000, to remain available until expended: *Provided,* That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Water and Power Resources Service.

ROAD CONSTRUCTION

For construction of roads and bridges pursuant to authority contained in 23 U.S.C. 203, and 25 U.S.C. 13, 318a, $48,625,000, to remain available until expended.

ALASKA NATIVE FUND

For transfer to the Alaska Native Fund, in the fourth quarter of fiscal year 1981, to provide for settlement of certain land claims by Natives and Native groups of Alaska, and for other purposes, based on aboriginal land claims, as authorized by the Act of December 18, 1971 (Public Law 92-203), $30,000,000: *Provided,* That for purposes of meeting its obligation under section 6(a)(3) and section 9 of the Alaska Native Claims Settlement Act in connection with the requirement that $500,000,000 be paid into the Alaska Native Fund, any and all revenues paid into such fund by the State of Alaska from sources other than those specified in section 9 of such Act shall, notwithstanding any other provision of law, be construed as payments by the State of Alaska to the Fund within the meaning of sections 6(a)(3) and 9 of the Alaska Native Claims Settlement Act and credited toward the $500,000,000 to be deposited in the Alaska Native Fund under such sections.

43 USC 1601 note.

43 USC 1605, 1608.

TRIBAL TRUST FUNDS

In addition to the tribal funds authorized to be expended by existing law, there is hereby appropriated not to exceed $3,000,000 from tribal funds not otherwise available for expenditure for the benefit of Indians and Indian tribes, including pay and travel expenses of employees; care, tuition, and other assistance to Indian children attending public and private schools (which may be paid in advance or from date of admission); purchase of land and improvements on land, title to which shall be taken in the name of the United States in trust for the tribe for which purchased; lease of lands and water rights; compensation and expenses of attorneys and other persons employed by Indian tribes under approved contracts; pay, travel, and other expenses of tribal officers, councils, and committees thereof, or other tribal organizations, including mileage for use of privately owned automobiles and per diem in lieu of subsistence at rates established administratively but not to exceed those applicable to civilian employees of the Government; relief of Indians, without regard to section 7 of the Act of May 27, 1930 (46 Stat. 391) including cash grants: *Provided,* That in addition to the amount appropriated herein, tribal funds may be advanced to Indian tribes during the current fiscal year for such purposes as may be designated by the governing body of the particular tribe involved and approved by the Secretary. 18 USC 4124.

REVOLVING FUND FOR LOANS

During fiscal year 1981, and within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed $12,680,000.

INDIAN LOAN GUARANTY AND INSURANCE FUND

During fiscal year 1981, and within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed $2,900,000, and total commitments to guarantee loans shall not exceed $2,250,000 of contingent liability for loan principal.

EASTERN INDIAN LAND CLAIMS

For payment to the Eastern Indian Land Claims Settlement Fund, $81,500,000, to remain available until expended, to settle the land claims of the Passamaquoddy Tribe, the Penobscot Nation, and Houlton Band of Maliseet Indians in the State of Maine.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans) shall be available for expenses of exhibits; purchase of not to exceed 115 passenger carrying motor vehicles of which 75 shall be for replacement only, which may be used for the transportation of Indians; advance payments for services (including services which may extend beyond the current fiscal year) under contracts executed pursuant to the Act of June 4, 1936 (25 U.S.C. 452), the Act of August 3, 1956 (25 U.S.C. 309), and legislation terminating Federal supervision over certain Indian tribes; and expenses required by continuing or permanent treaty provisions: *Provided,* That no part of any appropriations to the Bureau of Indian Affairs shall be available to continue academic and residential programs of the Chilocco, Seneca, and Fort Sill boarding schools, Oklahoma; and Stewart boarding school, Nevada: *Provided further,* That no part of any appropriation to the Bureau of Indian Affairs shall be used to subject the transportation of school children to any limitation on travel or transportation expenditures for Federal employees: *Provided further,* That no action to develop and provide water for agricultural purposes on the Gila River Indian Reservation, when agreed to by the Gila River Indian Council, shall be a major Federal action under the National Environmental Policy Act.

TERRITORIAL AFFAIRS

ADMINISTRATION OF TERRITORIES

For expenses necessary for the administration of Territories under the jurisdiction of the Department of the Interior, $72,284,000, of which (1) not to exceed $68,000,000 shall be available for grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to American Samoa, in addition to current local revenues, for support of governmental functions; grants to Guam, as authorized by law (48 U.S.C. 1428-1428e; Public Law 95-134; 91 Stat. 1161, 1162, 1163; Public Law 95-348; 92 Stat. 487, 488); grants to the Government of the Virgin Islands as authorized by law (Public Law 95-348, 92 Stat. 490); expenses of the Northern Mariana Islands Federal Laws Commission as authorized by law (Public Law 94-241, 90 Stat. 268); direct grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94-241, 90 Stat. 272), to remain available until expended; and (2) not to exceed $4,284,000 shall be available for expenses of the offices of the Government Comptroller for the Virgin Islands, the Government Comptroller for Guam, Trust Territory of the Pacific Islands, and the Northern Mariana Islands as authorized by law (Public Law 95-134; 91 Stat. 1161, 1162), and the Government Comptroller for American Samoa, and for salaries and expenses of the Office of Territorial Affairs: *Provided,* That the Territorial and local governments herein provided for are authorized to make purchases through the General Services Administration: *Provided further,* That appropriations available for the administration of Territories may be expended for the purchase, charter, maintenance, and operation of surface vessels for official purposes and for commercial transportation purposes found by the Secretary to be necessary: *Provided further,* That all financial transactions of the Territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or utilized by such governments, shall be audited by the General Accounting Office, in accordance with the provisions of the Budget and Accounting Act, 1921 (42 Stat. 23) as amended, and the Accounting and Auditing Act of 1950 (64 Stat. 834): *Provided further,* That $10,000,000 provided under this head in Public Law 96-126 for the purposes of matching new local tax revenues of the Government of the Virgin Islands shall be available for grants for new construction.

48 USC 1681 note.

48 USC 1681 note.

48 USC 1401f, 1423*l*, 1665.

48 USC 1470a.

48 USC 1469b.

31 USC 1.

31 USC 65 note.

93 Stat. 965.

TRUST TERRITORY OF THE PACIFIC ISLANDS

For expenses necessary for the Department of the Interior in administration of the Trust Territory of the Pacific Islands pursuant to the Trusteeship Agreement approved by joint resolution of July 18, 1947 (61 Stat. 397), and the Act of June 30, 1954 (68 Stat. 330), as amended (90 Stat. 299; 91 Stat. 1159; 92 Stat. 495), grants for the expenses of the High Commissioner of the Trust Territory of the Pacific Islands; grants for the compensation and expenses of the Judiciary of the Trust Territory of the Pacific Islands; grants to the Trust Territory of the Pacific Islands in addition to local revenues, for support of governmental functions; $94,354,000, to remain available until expended: *Provided,* That all financial transactions of the Trust Territory, including such transactions of all agencies or instrumentalities established or utilized by such Trust Territory, shall be audited by the General Accounting Office in accordance with the provisions of the Budget and Accounting Act, 1921 (42 Stat. 23), as amended, and the Accounting and Auditing Act of 1950 (64 Stat. 834): *Provided further,* That the government of the Trust Territory of the Pacific Islands is authorized to make purchases through the General Services Administration: *Provided further,* That appropriations available for the administration of the Trust Territory of the Pacific Islands may be expended for the purchase, charter, maintenance, and operation of surface vessels for official purposes and for commercial

22 USC 287 note.

48 USC 1681 note.

48 USC 1683.

31 USC 1.

31 USC 65 note.

48 USC 1682.

48 USC 1687.

transportation purposes found by the Secretary to be necessary in carrying out the provisions of article 6(2) of the Trusteeship Agreement approved by Congress.

SECRETARIAL OFFICES

Office of the Solicitor

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $16,313,000.

Office of the Secretary

DEPARTMENTAL MANAGEMENT

For necessary expenses of the Office of the Secretary of the Interior, including necessary expenses for certain operations that provide departmentwide services, $37,619,000, of which not to exceed $5,000 may be for official reception and representation expenses, and of which not to exceed $576,000 shall be available, on a departmentwide basis, for payment of bonuses for the Senior Executive Service as authorized by the Civil Service Reform Act of 1978. 5 USC 1101 note.

CONSTRUCTION MANAGEMENT

For necessary expenses of the Office of Construction Management, $8,750,000, to remain available for obligation until September 30, 1982.

INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General, $8,500,000.

YOUTH CONSERVATION CORPS

16 USC 1701-1706.

For expenses necessary to carry out the provisions of the Act of August 13, 1970, as amended by Public Law 93-408, $60,000,000: *Provided,* That $30,000,000 shall be available to the Secretary of the Interior and $30,000,000 shall be available to the Secretary of Agriculture.

RURAL WATER TREATMENT AND DISTRIBUTION SYSTEM

For expenses for initial planning and construction of a rural water treatment and distribution system pursuant to section 9 of the Rural Development and Policy Act of 1980, $1,900,000. *Ante,* p. 1175.

ADMINISTRATIVE PROVISION

There is hereby authorized for acquisition, from available resources within the Working Capital Fund, two aircraft for replacement only, both of which shall be from surplus.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

Sec. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted.

Sec. 102. The Secretary may authorize the expenditure or transfer of any appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under jurisdiction of the Department of the Interior and for the emergency rehabilitation of burned-over lands under its jurisdiction, and for emergency reclamation projects under section 410 of Public Law 95-87: *Provided*, That appropriations made in this title for fire suppression purposes shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for fire suppression purposes, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further*, That no appropriations made in this title shall be available for acquisition of automatic data processing equipment, software, or services in excess of $1,000,000 systems life cost, without prior approval of the Secretary.

30 USC 1240.

Sec. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by the Act of June 30, 1932 (31 U.S.C. 686): *Provided*, That reimbursements for costs of supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

Sec. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $300,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary, and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

Sec. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902 and D.C. Code 4-204).

Sec. 106. Appropriations made in this title shall be available for obligation in connection with contracts issued by the General Services Administration for services or rentals for periods not in excess of twelve months beginning at any time during the fiscal year.

Sec. 107. No appropriations made in this title shall be available for the identification of lands not now so identified or acquisition (by withdrawal, transfer, or purchase) of lands for or associated with the Unique Wildlife Ecosystem Program as now defined by the United States Fish and Wildlife Service not authorized by law under an existing program.

Advisory group. 40 USC 131 note.

SEC. 108. The Secretary is authorized to appoint an advisory group which may include government officials, as well as members from outside the government to undertake such activities as may be appropriate to study the effect of future growth and development on the beauty, historic values and other features that make the national capital area unique, and to recommend measures that will protect its values. The advisory group shall designate a chairman and shall complete its work and submit to the Secretary and to the Congress a report with its findings and recommendations within three years of the date of its organization. To support its activities, the advisory group may also receive gifts and grants from private sources. Members of the group shall receive no compensation, but may be reimbursed for travel, per diem, and other reasonable expenses.

Report to Secretary of Interior and Congress.

16 USC 1a-5.

SEC. 109. Except as specifically provided otherwise in this Act, no funds appropriated in this title shall be available to fulfill the requirements of section 8 of Public Law 94-458 as they apply to reporting to Congress on potential new areas of the National Park System: *Provided*, That not to exceed $100,000 may be available to study proposed new areas of the National Park System.

SEC. 110. No appropriations made in this title shall be available for the withdrawal, transfer or purchase of any lands for the purpose of extending the current boundaries of the Snake River Birds of Prey Natural Area, Idaho, without specific provision therefor in appropriation Acts.

75 Stat. 246.

SEC. 111. The Secretary's authority to enter into contracts and agreements in any fiscal year pursuant to the Department of the Interior and Related Agencies Appropriations Act of 1962 for the development and operation of helium properties is terminated.

SEC. 112. (a) None of the funds appropriated in this Act shall be used for the implementation of any management plan for the Colorado River within the Grand Canyon National Park which reduces the number of user days or passenger-launches for commercial motorized watercraft excursions, for the preferred use period, from all current launch points below that which was available for the same period of use in the calendar year 1978.

"Preferred use period."

(b) For the purposes of this section "perferred use period" denotes the period May 1 through September 30, inclusive.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST RESEARCH

For necessary expenses of forest research as authorized by law, $122,200,000.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with, and providing technical and financial assistance to States, Territories, possessions, and others; and for forest insect and disease activities, $73,116,000, of which $66,136,000 shall remain available for obligation until September 30, 1982, to carry out activities authorized in Public Law 95-313.

16 USC 2101 note.

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, and for liquidation of obligations incurred in the preceding fiscal year for forest fire protection and emergency rehabilitation, $879,614,000, of which $197,362,000 for reforestation, timber stand improvement, cooperative law enforcement, and maintenance of forest development roads and trails shall remain available for obligation until September 30, 1982.

CONSTRUCTION AND LAND ACQUISITION

For necessary expenses of the Forest Service, not otherwise provided for, for construction and land acquisition, $378,586,000, to remain available until expended, of which $22,429,000 is for construction and acquisition of buildings and other facilities; $353,662,000 is for construction of forest development roads and trails by the Forest Service and construction and maintenance of forest development roads by timber purchasers; and $2,495,000 is for acquisition of land and interests therein, required for management, protection, utilization, and research for the National Forest System and other Forest Service resources.

ACQUISITION OF LANDS FOR NATIONAL FORESTS

SPECIAL ACTS

For acquisition of land within the exterior boundaries of the Cache National Forest, Utah; Uinta and Wasatch National Forests, Utah; Toiyabe National Forest, Nevada; Angeles National Forest, California; and, San Bernardino and Cleveland National Forests, California, as authorized by law, $754,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands in accordance with the Act of December 4, 1967 (16 U.S.C. 484a), all funds deposited by public school authorities pursuant to that Act, to remain available until expended.

RANGELAND IMPROVEMENTS

For necessary expenses of range rehabilitation, protection, and improvement in accordance with section 401(b)(1), of the Act of October 21, 1976, Public Law 94-579, as amended, fifty percent of all moneys received during the prior fiscal year as fees for grazing domestic livestock on lands in National Forests in the sixteen western States, to remain available until expended.

43 USC 1751.

TIMBER SALVAGE SALES

Funds previously appropriated under this head may be recovered from receipts deposited on the applicable national forest. Such funds, when recovered, may be expended and recovered on any national forest.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (a) purchase of not to exceed 271 passenger motor vehicles of which 8 will be used primarily for law enforcement purposes and of which 245 shall be for replacement only, acquisition of 51 passenger motor vehicles from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed 4 for replacement only, and acquisition of 61 aircraft from excess sources; (b) employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $100,000 for employment under 5 U.S.C. 3109; (c) uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); (d) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (e) acquisition of land, waters, and interests therein, pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); (f) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, 558a note).

None of the funds made available under this Act shall be obligated or expended to change the boundaries of any region, to abolish any region, to move or close any regional office for research, State and private forestry, and National Forest System administration of the Forest Service, Department of Agriculture, without the consent of the House and Senate Committees on Appropriations and the Committee on Agriculture, Nutrition, and Forestry in the U.S. Senate and the Committee on Agriculture in the U.S. House of Representatives.

Any appropriations or funds available to the Forest Service may be advanced to the National Forest System limitation for the emergency rehabilitation of burned-over lands under its jurisdiction.

Appropriations and funds available to the Forest Service shall be available to comply with the requirements of section 313(a) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1323(a)).

Funds available under the Act of March 4, 1913 (16 U.S.C. 501), may be merged with and made a part of the Construction and Land Acquisition and/or the National Forest System appropriations.

DEPARTMENT OF THE TREASURY

ENERGY SECURITY RESERVE

42 USC 5915 note.
Ante, p. 881.

In title I, chapter VIII of Public Law 96-304, under the subheading "ENERGY SECURITY RESERVE", the second paragraph shall be amended to read as follows:

93 Stat. 954.

"The total available funding (including funds committed or conditionally committed under authority of Public Law 96-126) shall be apportioned so as to provide $17,522,000,000 for purposes of title I, of which $6,000,000,000 shall be immediately available, $6,212,000,000 shall be available for obligation after June 30, 1982, and up to $5,310,000,000 shall be derived by transfer as provided above; and to provide $1,270,000,000 for purposes of title II, to be immediately available and to be appropriated as follows:

Ante, p. 685.

"(i) not to exceed $525,000,000 to the Secretary of Agriculture under section 204(a)(1) of Public Law 96-294;

"(ii) not to exceed $525,000,000 to the Secretary of Energy under section 204(a)(2) of Public Law 96-294: *Provided*, That $52,500,000 of such amount shall be available to the Secretary of Energy for carrying out commercialization activities other than those carried out by the Office of Alcohol Fuels; and

"(iii) not to exceed $220,000,000 to the Secretary of Energy for purposes of subtitle B."

Notwithstanding any other provision of law, funds committed to a loan guarantee default reserve for biomass energy projects authorized by title II of the Energy Security Act may be used to guarantee loans up to three times the amount held in reserve. Notwithstanding any public notice or solicitation announcement to the contrary, the Secretary of Energy and the Secretary of Agriculture may apply this loan guarantee leveraging authority to applications for alcohol fuel loan guarantees submitted under title II of the Energy Security Act prior to passage of this Act. *Ante*, p. 683.

DEPARTMENT OF ENERGY

ALTERNATIVE FUELS PRODUCTION

The provisions of section 19(m) of the Federal Non-Nuclear Energy Research and Development Act of 1974, as amended, shall not apply to alternative fuels actions under Public Law 96-126 and Public Law 96-304. 42 USC 5915 note. 42 USC 5919. 93 Stat. 954. *Ante*, p. 857.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95-91), $711,435,000, to remain available until expended: *Provided*, That no part of the sum herein appropriated shall be used for the field testing of nuclear explosives in the recovery of oil and gas. 42 USC 7101 note.

FOSSIL ENERGY CONSTRUCTION

For necessary expenses in connection with the purchase and construction of fossil energy plants, including the acquisition of interests, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, $423,300,000, to remain available until expended.

ENERGY PRODUCTION, DEMONSTRATION, AND DISTRIBUTION

For necessary expenses in carrying out energy production, demonstration, and distribution activities, $226,062,000, of which $206,466,000 shall remain available until expended.

ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, $862,107,000, to remain available until expended: *Provided*, That of the total amount of this appropriation, not to exceed $1,100,000 shall be available for a reserve to cover any defaults from loan guarantees issued for electric or hybrid vehicle research, development, and production as authorized by section 10 of the Electric and Hybrid Vehicle Research, Development and Demonstration Act of 1976, as amended (15 U.S.C. 2509): *Provided further*, That the indebtedness guaranteed or committed to be guaranteed under said law shall not exceed the aggregate of $21,500,000: *Provided further*, That none of the funds provided for State energy conservation grants shall be available to any jurisdiction that has not implemented section 362(c)(5) of Public Law 94-163: *Provided further*, That for the purposes of section 601 of the Powerplant and Industrial Fuel Use Act of 1978, the term "local government" shall include— 42 USC 6322. 42 USC 8401a. 42 USC 8401. "Local government."

(1) any county, parish, city, town, township, village or other general purpose political subdivision of a State with the power to

levy taxes and expend Federal, State, and local funds and exercise govenmental powers; and

(2) which (in whole or in part) is located in, or has authority over the energy impacted area: *Provided further,* That such term shall include a public or private nonprofit corporation, or a school, water, sewer, highway, or other public special purpose district, authority, or body, with the concurrence of the Governor: *Provided further,* That such term shall be applicable to all applications for assistance received since the effective date of section 601 of the Powerplant and Industrial Fuel Use Act of 1978.

42 USC 8401.

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Economic Regulatory Administration and the Office of Hearings and Appeals, $176,867,000: *Provided,* That none of the funds herein appropriated shall be available to pay the expenses of parties intervening in regulatory proceedings before the Economic Regulatory Administration.

STRATEGIC PETROLEUM RESERVE

42 USC 6231-6246.
42 USC 6240 note.

For expenses necessary to carry out the provisions of sections 151 through 166 of the Energy Policy and Conservation Act of 1975 (Public Law 94-163), $102,000,000, to remain available until expended: *Provided,* That the President shall immediately seek to undertake, and thereafter continue, crude oil acquisition, transportation, and injection activities at a level sufficient to assure that crude oil storage in the Strategic Petroleum Reserve will be increased to an average annual rate of at least 300,000 barrels per day or a sustained average annual daily rate of fill which would fully utilize appropriated funds: *Provided further,* That the requirements of the preceding provision shall be in addition to the provisions of title VIII of the Energy Security Act and shall not affect such provisions of the Energy Security Act in any way.

Ante, p. 775.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $104,117,000.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations to the Department of Energy under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From this appropriation, transfers of sums may be made to other agencies of the government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriation act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private, or foreign: *Provided,* That (1) revenues received from the sale of any products produced in facilities other than demonstration plants operated as part of Department of Energy programs appropriated under this Act shall be covered into the Treasury as miscellaneous receipts: and (2) revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with demonstration plant projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: *Provided further,* That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: *Provided further,* That any contract, agreement or provision thereof entered into by the Secretary pursuant to this authority shall be submitted to the Senate Committee on Appropriations and the House Committee on Appropriations and a period of thirty days shall elapse while Congress is in session (in computing the thirty days, there shall be excluded the days on which either the Senate or the House is not in session because of adjournment for more than three days) before the contract, agreement or provision thereof shall become effective, except that such committees, after having received the proposed contract, agreement or provision thereof, may, by separate resolutions in writing, waive the condition of all or any portion of such thirty-day period.

Where the Secretary has the legal authority under other provisions of law, including other provisions of this Act, to undertake projects for the design, construction, or operation of Government-owned facilities for developing or demonstrating the conversion of coal into gaseous, liquid, or solid hydrocarbon products, the Secretary may use the authority contained in Public Law 85-804 (50 U.S.C. 1431-1435) with respect to such contracts or agreements for or related to such projects: *Provided,* That any contract, agreement, or provision thereof entered into by the Secretary using the authority of Public Law 85-804 shall be submitted to the Senate Committee on Appropriations and the House Committee on Appropriations and a period of thirty days shall elapse while Congress is in session (in computing the thirty days, there shall be excluded the days on which either the Senate or the House is not in session because of adjournment for more than three days) before the contract, agreement or provision thereof shall become effective, except that such committees, after having received the proposed contract, agreement or provision thereof, may, by separate resolutions in writing, waive the condition of all or any portion of such thirty-day period. The notification required herein shall be in lieu of the notification requirements of Public Law 85-804.

Contracts, submittal to congressional committees.

Notification.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH SERVICES ADMINISTRATION

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles III and V and section 757 of the Public Health Service Act, including hire of passenger motor vehicles and aircraft; purchase of reprints; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary, $594,119,000: *Provided,* That funds made available to tribes and tribal organizations through grants and

42 USC 2001-2004b.
25 USC 450 note.
25 USC 1601 note.
42 USC 241, 219, 294y-1.

contracts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450) shall remain available until September 30, 1982. Funds provided in this Act, and those provided in fiscal year 1980, for the Indian Health Service, may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: *Provided further,* That not to exceed $20,000,000 of the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall be available until September 30, 1982, for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, construction of new facilities, or major renovation of existing Indian Health Service facilities): *Provided further,* That funding herein shall be available for the lease of 24 units of existing housing in Bethel, Alaska, to be used as staff housing for the Bethel Alaska Native Hospital: *Provided further,* That funding herein shall be available for the lease of 47 units of housing to be constructed at Bethel, Alaska, for the Bethel Alaska Native Hospital.

42 USC 1395f, 1395n, 1395qq and note, 1396j and note, 1396d; 25 USC 1671 note.
42 USC 1395, 1396.

INDIAN HEALTH FACILITIES

For construction, major repair, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites; purchase and erection of portable buildings, purchase of trailers, and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act and the Indian Health Care Improvement Act, $84,469,000, to remain available until expended.

25 USC 450 note.
25 USC 1601 note.

ADMINISTRATIVE PROVISIONS, HEALTH SERVICES ADMINISTRATION

Appropriations in this Act to the Health Services Administration, available for salaries and expenses, shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem equivalent to the rate for GS-18, for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901-5902), and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities: *Provided,* That none of the funds appropriated under this Act to the Indian Health Service shall be available for the initial lease of permanent structures without advance provision therefor in appropriations Acts: *Provided further,* That non-Indian patients may be extended health care at the Talihina Hospital in Talihina, Oklahoma, and the Zuni-Ramah Indian Health Service Unit in Zuni, New Mexico, subject to such reasonable charges as the Secretary of Health and Human Services shall prescribe: *Provided further,* That notwithstanding the provisions of any other law, funds appropriated to the Indian Health Service in this Act and in Public Law 96-126, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation.

93 Stat 973.

Department of Education

Office of Elementary and Secondary Education

INDIAN EDUCATION

For carrying out, to the extent not otherwise provided, Part A ($58,250,000), and Parts B and C ($19,930,000) of the Indian Education Act, and the General Education Provisions Act, $81,680,000.

20 USC 240, 242–244, 241aa–241ff, 241aa note, 241c and note, 241a note, 821 note, 822, 842, 887c 1412, 1211a. 1221.

Departmental Management

INSTITUTE OF MUSEUM SERVICES

For carrying out title II of the Arts, Humanities, and Cultural Affairs Act of 1976, $12,857,000: *Provided*, That none of these funds shall be available for the compensation of Executive Level V or higher positions: *Provided further*, That none of the funds appropriated to the Institute of Museum Services may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913.

20 USC 961 note.

Navajo and Hopi Indian Relocation Commission

SALARIES AND EXPENSES

For necessary expenses of the Navajo and Hopi Indian Relocation Commission as authorized by Public Law 93-531, $2,680,000 for operating expenses of the Commission.

25 USC 640d—640d-24.

Smithsonian Institution

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to 3 replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees; $117,665,000: *Provided*, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations: *Provided further*, That none of these funds shall be available to a Smithsonian Research Foundation.

MUSEUM PROGRAMS AND RELATED RESEARCH

(SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department shall determine to be excess to the normal requirements of the United States, for necessary expenses for carrying out museum programs, scientific and cultural research, and related educational activities, as authorized by law, $3,650,000, to remain available until expended and to be available only to United States institutions: *Provided,* That this appropriation shall be available, in addition to other appropriations to the Smithsonian Institution, for payments in the foregoing currencies: *Provided further,* That none of these funds shall be available to a Smithsonian Research Foundation: *Provided further,* That not to exceed $500,000 may be used to make grant awards to employees of the Smithsonian Institution.

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

For necessary expenses of planning, construction, remodeling, and equipping of buildings and facilities at the National Zoological Park, by contract or otherwise, $3,290,000, to remain available until expended.

RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of restoration and renovation of buildings owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), including not to exceed $10,000 for services as authorized by 5 U.S.C. 3109, $7,539,000, to remain available until expended.

20 USC 53a.

CONSTRUCTION

For necessary expenses to construct museum support facilities, including not to exceed $50,000 for services as authorized by 5 U.S.C. 3109, $5,000,000, to remain available until expended.

SALARIES AND EXPENSES, NATIONAL GALLERY OF ART

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards and elevator operators, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase, or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and not to exceed $70,000 for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $24,314,000.

20 USC 71.

SALARIES AND EXPENSES, WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356), including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $1,795,000.

20 USC 80e note.

ARCHITECT OF THE CAPITOL

MEMORIAL TO HALE BOGGS

For use by the Architect of the Capitol for processing, and installing in the Congressional Cemetery, a traditional cenotaph for the late Honorable Hale Boggs, $7,000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

SALARIES AND EXPENSES

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $125,860,000, of which $113,960,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to groups and individuals pursuant to section 5(c) of the Act, of which not less than 20 per centum of the funds provided for section 5(c) shall be available for assistance pursuant to section 5(g) of the Act, and $11,900,000 shall be available for administering the functions of the Act.

20 USC 951 note.

20 USC 954.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $32,700,000, to remain available until September 30, 1982, to the National Endowment for the Arts, of which $13,450,000 shall be available for purposes of section 5(1): *Provided,* That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman under the provisions of section 10(a)(2) during the current and preceding fiscal years and the transition period, for which equal amounts have not previously been appropriated.

20 USC 959.

20 USC 954.

NATIONAL ENDOWMENT FOR THE HUMANITIES

SALARIES AND EXPENSES

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $117,799,000, of which $106,522,000 shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, of which not less than 20 per centum shall be available for assistance pursuant to section 7(f) of the Act, and $11,277,000, shall be available for administering the functions of the Act.

20 USC 951 note.

20 USC 956.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $33,500,000, to remain available until September 30, 1982, of which $24,000,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): *Provided,* That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of

20 USC 959.

20 USC 956.

20 USC 959.

money, and other property accepted by the Chairman under the provisions of section 10(a)(2) during the current and preceding fiscal years and the transition period, for which equal amounts have not previously been appropriated.

ADMINISTRATIVE PROVISION

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $285,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

16 USC 460*l*-5, 460*l*-7—460*l*-10, 460*l*-10d, 470b, 470c, 470f, 470h, 470i, 470*l*-470t. 5 USC 5316, 30 USC 191.

For expenses made necessary by the Act establishing an Advisory Council on Historic Preservation, Public Law 94-422, $1,523,000: *Provided*, That none of these funds shall be available for the compensation of Executive Level V or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71-71i), including services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902), $2,270,000.

FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Franklin Delano Roosevelt Memorial Commission, established by the Act of August 11, 1955 (69 Stat. 694), as amended by Public Law 92-332 (86 Stat. 401), $30,000 to remain available for obligation until September 30, 1982.

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

SALARIES AND EXPENSES

40 USC 885.

For necessary expenses, as authorized by section 17(a) of Public Law 92-578, as amended, $2,443,000 for operating and administrative expenses of the Corporation.

LAND ACQUISITION AND DEVELOPMENT FUND

The Pennsylvania Avenue Development Corporation is authorized to borrow from the Treasury of the United States $15,000,000, pursuant to the terms and conditions specified in paragraph 10, section 6, of Public Law 92-578.

40 USC 875.

PUBLIC DEVELOPMENT

For public development activities and projects in accordance with the development plan as authorized by section 17(b) of Public Law 92-578, as amended, $14,169,000, to remain available for obligation until expended. 40 USC 885.

FEDERAL INSPECTOR FOR THE ALASKA GAS PIPELINE

PERMITTING AND ENFORCEMENT

For necessary expenses of the Federal Inspector for the Alaska Gas Pipeline, $21,483,000, of which not to exceed $1,500 may be used for offical reception and representation expenses.

HOLOCAUST MEMORIAL COUNCIL

For expenses necessary to carry out the Holocaust Memorial Council upon the enactment of the Act entitled "An Act to establish the United States Holocaust Memorial Council", $722,000. *Ante*, p. 1547.

TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 302. No part of any appropriation under this Act shall be available to the Secretaries of the Interior and Agriculture for use for any sale hereafter made of unprocessed timber from Federal lands west of the 100th meridian in the contiguous 48 States which will be exported from the United States, or which will be used as a substitute for timber from private lands which is exported by the purchaser: *Provided,* That this limitation shall not apply to specific quantities of grades and species of timber which said Secretaries determine are surplus to domestic lumber and plywood manufacturing needs.

SEC. 303. No part of any appropriation under this Act shall be available to the Secretary of the Interior or the Secretary of Agriculture for the leasing of oil and natural gas by noncompetitive bidding on publicly owned lands within the boundaries of the Shawnee National Forest, Illinois: *Provided,* That nothing herein is intended to inhibit or otherwise affect the sale, lease, or right to access to minerals owned by private individuals.

SEC. 304. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete, in accordance with 18 U.S.C. 1913.

SEC. 305. No funds appropriated by this Act shall be available for the implementation or enforcement of any rule or regulation of the United States Fish and Wildlife Service, Department of the Interior, requiring the use of steel shot in connection with the hunting of waterfowl in any State of the United States unless the appropriate State regulatory authority approves such implementation and enforcement.

SEC. 306. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Audits.

SEC. 307. All unresolved audits currently pending within agencies and departments, for which appropriations are made under this Act, shall be resolved not later than September 30, 1981. Any new audits, involving questioned expenditures, arising after the enactment of this Act shall be resolved within 6 months of completing the initial audit report.

SEC. 308. Each department and agency for which appropriations are made under this Act shall take immediate action (1) to improve the collection of overdue debts owed to the United States within the jurisdiction of that department or agency; (2) to bill interest on delinquent debts as required by the Federal Claims Collection Standards; and (3) to reduce amounts of such debts written off as uncollectible.

SEC. 309. (a) Notwithstanding any other provisions of this Act, the amounts otherwise available to agencies under the Act for procurement of consultant services shall be reduced by the following: Forest Service, $156,000: *Provided*, That not to exceed $4,600,000 of the funds made available by section 112 of Public Law 96-369 shall be available to the Forest Service until expended for continuing development and demonstration of aerial logging systems.

Ante, p. 1356.

Submittal to congressional committees.
31 USC 28.
31 USC 2.

(b) For fiscal year 1982 and thereafter, a department or establishment—as defined in section 2 of the Budget and Accounting Act, 1921—shall submit annually to the House and Senate Appropriations Committees, as part of its budget justification, the estimated amount of funds requested for consulting services; the appropriation accounts in which such funds are located; and a brief description of the need for consulting services, including a list of major programs that require consulting services.

Submittal to Congress.

(c) For fiscal year 1982 and thereafter, the Inspector General of such department or establishment, or comparable official, or if there is no Inspector General or comparable official, the agency head or the agency head's designee, shall submit to the Congress along with the budget justification, an evaluation of the agency's progress to institute effective management controls and improve the accuracy and completeness of the data provided to the Federal Procurement Data System regarding consultant service contractual arrangements.

16 USC 1606 note.

16 USC 1606.

SEC. 310. The Statement of Policy transmitted by the President to the Speaker of the House of Representatives and the President of the Senate on June 19, 1980, as required under section 8 of the Forest and Rangeland Renewable Resources Planning Act of 1974, is revised and modified to read as follows:

STATEMENT OF POLICY

BASIC PRINCIPLES

It is the policy of the United States—

(1) forests and rangeland, in all ownerships, should be managed to maximize their net social and economic contributions to the Nation's well being, in an environmentally sound manner.

(2) the Nation's forested land, except such public land that is determined by law or policy to be maintained in its existing or natural state, should be managed at levels that realize its capabilities to satisfy the Nation's need for food, fiber, energy, water, soil stability, wildlife and fish, recreation, and esthetic values.

(3) the productivity of suitable forested land, in all ownerships, should be maintained and enhanced to minimize the inflationary impacts of wood product prices on the domestic economy and permit a net export of forest products by the year 2030.

(4) in order to achieve this goal, it is recognized that in the major timber growing regions most of the commercial timber lands will have to be brought to and maintained, where possible, at 90 percent of their potential level of growth, consistent with the provisions of the National Forest Management Act of 1976 on Federal lands, so that all resources are utilized in the combination that will best meet the needs of the American people.

16 USC 1600 note.

(5) forest and rangeland protection programs should be improved to more adequately protect forest and rangeland resources from fire, erosion, insects, disease, and the introduction or spread of noxious weeds, insects, and animals.

(6) the Federal agencies carrying out the policies contained in this Statement will cooperate and coordinate their efforts to accomplish the goals contained in this Statement and will consult, coordinate, and cooperate with the planning efforts of the States.

(7) in carrying out the Assessment and the Program under the Forest and Rangeland Renewable Resources Planning Act of 1974 and the Appraisal and the Program under the Soil and Water Resources Conservation Act of 1977, the Secretary of Agriculture shall assure that resource and economic information and evaluation data will be continually improved so that the best possible information is always available for use by Federal agencies and the public.

16 USC 1600 note.
16 USC 2001 note.

RANGE LAND DATA BASE AND ITS IMPROVEMENT

The data on and understanding of the cover and condition of range lands is less refined than the data on and understanding of commercial forest land. Range lands have significant value in the production of water and protection of watersheds; the production of fish and wildlife food and habitat; recreation; and the production of livestock forage. An adequate data base on the cover and condition of range lands should be developed by the year 1990. Currently, cattle production from these lands is annually estimated at 213 million animal unit months of livestock forage. These lands should be maintained and enhanced, including their water and other resource values, so that they can annually provide 310 million animal units months of forage by the year 2030, along with other benefits.

GENERAL ACCEPTANCE OF HIGH BOUND PROGRAM

Congress generally accepts the "high-bound" program described on pages 7 through 18 of the 1980 Report to Congress on the Nation's Renewable Resources prepared by the Secretary of Agriculture. However, Congress finds that the "high-bound" program may not be sufficient to accomplish the goals contained in this statement, particularly in the areas of range and watershed resources, State and private forest cooperation and timber management.

STATE AND PRIVATE LANDS

States and owners of private forest and rangelands will be encouraged, consistent with their individual objectives, to manage their land in support of this Statement of Policy. The State and private forestry and range programs of the Forest Service will be essential to the furtherance of this Statement of Policy.

FUNDING THE GOALS

In order to accomplish the policy goals contained in this statement by the year 2030, the Federal Government should adequately fund programs of research (including cooperative research), extension, cooperative forestry assistance and protection, and improved management of the forest and rangelands. The Secretary of Agriculture shall continue his efforts to evaluate the cost-effectiveness of the renewable resource programs.

SEC. 311. None of the funds contained in this Act shall be used to demolish shelters erected on lands owned or managed by the Federal Government where no other shelter exists within a 5-mile radius.

Approved December 12, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-1147 (Comm. on Appropriations) and No. 96-1470 (Comm. of Conference).
SENATE REPORT No. 96-985 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 126 (1980):
July 30, considered and passed House.
Nov. 13, 14, 17, considered and passed Senate, amended.
Nov. 21, House agreed to conference report; receded from its disagreement and concurred in certain Senate amendments, in others with amendments, and insisted on its disagreement to Senate amendment No. 128.
Dec. 1, Senate agreed to conference report; receded from its amendment No. 128 and concurred in House amendments.

Public Law 96-515
96th Congress

An Act

To amend the National Historic Preservation Act of 1966, and for other purposes.

Dec. 12, 1980
[H.R. 5496]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Historic Preservation Act Amendments of 1980".

National Historic Preservation Act Amendments of 1980.
16 USC 470 note.

TITLE I—FINDINGS AND POLICY OF NATIONAL HISTORIC PRESERVATION ACT

SEC. 101. (a) The first section of the Act of October 15, 1966 (16 U.S.C. 470-470t), hereinafter in this Act referred to as the "National Historic Preservation Act", is amended to read as follows:

"SEC. 1. (a) This Act may be cited as the 'National Historic Preservation Act'.

Short title.
16 USC 470.

"(b) The Congress finds and declares that—

"(1) the spirit and direction of the Nation are founded upon and reflected in its historic heritage;

"(2) the historical and cultural foundations of the Nation should be preserved as a living part of our community life and development in order to give a sense of orientation to the American people;

"(3) historic properties significant to the Nation's heritage are being lost or substantially altered, often inadvertently, with increasing frequency;

"(4) the preservation of this irreplaceable heritage is in the public interest so that its vital legacy of cultural, educational, aesthetic, inspirational, economic, and energy benefits will be maintained and enriched for future generations of Americans;

"(5) in the face of ever-increasing extensions of urban centers, highways, and residential, commercial, and industrial developments, the present governmental and nongovernmental historic preservation programs and activities are inadequate to insure future generations a genuine opportunity to appreciate and enjoy the rich heritage of our Nation;

"(6) the increased knowledge of our historic resources, the establishment of better means of identifying and administering them, and the encouragement of their preservation will improve the planning and execution of Federal and federally assisted projects and will assist economic growth and development; and

"(7) although the major burdens of historic preservation have been borne and major efforts initiated by private agencies and individuals, and both should continue to play a vital role, it is nevertheless necessary and appropriate for the Federal Government to accelerate its historic preservation programs and activities, to give maximum encouragement to agencies and individuals undertaking preservation by private means, and to assist State and local governments and the National Trust for Historic

Preservation in the United States to expand and accelerate their historic preservation programs and activities.

16 USC 470-1.

"Sec. 2. It shall be the policy of the Federal Government, in cooperation with other nations and in partnership with the States, local governments, Indian tribes, and private organizations and individuals to—

"(1) use measures, including financial and technical assistance, to foster conditions under which our modern society and our prehistoric and historic resources can exist in productive harmony and fulfill the social, economic, and other requirements of present and future generations;

"(2) provide leadership in the preservation of the prehistoric and historic resources of the United States and of the international community of nations;

"(3) administer federally owned, administered, or controlled prehistoric and historic resources in a spirit of stewardship for the inspiration and benefit of present and future generations;

"(4) contribute to the preservation of nonfederally owned prehistoric and historic resources and give maximum encouragement to organizations and individuals undertaking preservation by private means;

"(5) encourage the public and private preservation and utilization of all usable elements of the Nation's historic built environment; and

"(6) assist State and local governments and the National Trust for Historic Preservation in the United States to expand and accelerate their historic preservation programs and activities.".

TITLE II—HISTORIC PRESERVATION PROGRAM

National Register of Historic Places, expansion and maintenance. 16 USC 470a.

Sec. 201. (a) Section 101 of the National Historic Preservation Act is amended to read as follows:

"Sec. 101. (a)(1)(A) The Secretary of the Interior is authorized to expand and maintain a National Register of Historic Places composed of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, engineering, and culture.

National Historic Landmarks.

Publication in Federal Register. Submittal to congressional committees. *Ante,* p. 2987.

16 USC 450m, 450n.

"(B) Properties meeting the criteria for National Historic Landmarks established pursuant to paragraph (2) shall be designated as 'National Historic Landmarks' and included on the National Register, subject to the requirements of paragraph (6). All historic properties included on the National Register on the date of the enactment of the National Historic Preservation Act Amendments of 1980 shall be deemed to be included on the National Register as of their initial listing for purposes of this Act. All historic properties listed in the Federal Register of February 6, 1979, as 'National Historic Landmarks' or thereafter prior to the effective date of this Act are declared by Congress to be National Historic Landmarks of national historic significance as of their initial listing as such in the Federal Register for purposes of this Act and the Act of August 21, 1935 (49 Stat. 666); except that in cases of National Historic Landmark districts for which no boundaries have been established, boundaries must first be published in the Federal Register and submitted to the Committee on Energy and Natural Resources of the United States Senate and to the Committee on Interior and Insular Affairs of the United States House of Representatives.

Criteria and regulations.

"(2) The Secretary in consultation with national historical and archaeological associations, shall establish or revise criteria for properties to be included on the National Register and criteria for National Historic Landmarks, and shall also promulgate or revise regulations as may be necessary for—

"(A) nominating properties for inclusion in, and removal from, the National Register and the recommendation of properties by certified local governments;

"(B) designating properties as National Historic Landmarks and removing such designation;

"(C) considering appeals from such recommendations, nominations, removals, and designations (or any failure or refusal by a nominating authority to nominate or designate);

"(D) nominating historic properties for inclusion in the World Heritage List in accordance with the terms of the Convention concerning the Protection of the World Cultural and Natural Heritage;

"(E) making determinations of eligibility of properties for inclusion on the National Register; and

"(F) notifying the owner of a property, any appropriate local governments, and the general public, when the property is being considered for inclusion on the National Register, for designation as a National Historic Landmark or for nomination to the World Heritage List.

Properties, nomination.

"(3) Subject to the requirements of paragraph (6), any State which is carrying out a program approved under subsection (b), shall nominate to the Secretary properties which meet the criteria promulgated under subsection (a) for inclusion on the National Register. Subject to paragraph (6), any property nominated under this paragraph or under section 110(a)(2) shall be included on the National Register on the date forty-five days after receipt by the Secretary of the nomination and the necessary documentation, unless the Secretary disapproves such nomination within such forty-five day period or unless an appeal is filed under paragraph (5).

Post, p. 2996.

Determinations.

"(4) Subject to the requirements of paragraph (6) the Secretary may accept a nomination directly from any person or local government for inclusion of a property on the National Register only if such property is located in a State where there is no program approved under subsection (b). The Secretary may include on the National Register any property for which such a nomination is made if he determines that such property is eligible in accordance with the regulations promulgated under paragraph (2). Such determination shall be made within ninety days from the date of the nomination unless the nomination is appealed under paragraph (5).

Appeals.

"(5) Any person or local government may appeal to the Secretary a nomination of any historic property for inclusion on the National Register and may appeal to the Secretary the failure or refusal of a nominating authority to nominate a property in accordance with this subsection.

Regulations. Owner concurrence or objections.

"(6) The Secretary shall promulgate regulations requiring that before any property or district may be included on the National Register or designated as a National Historic Landmark, the owner or owners of such property, or a majority of the owners of the properties within the district in the case of an historic district, shall be given the opportunity (including a reasonable period of time) to concur in, or object to, the nomination of the property or district for such inclusion or designation. If the owner or owners of any privately owned property, or a majority of the owners of such properties within the district in the case of an historic district, object to such inclusion or designation, such property shall not be included on the National

Register or designated as a National Historic Landmark until such objection is withdrawn. The Secretary shall review the nomination of the property or district where any such objection has been made and shall determine whether or not the property or district is eligible for such inclusion or designation, and if the Secretary determines that such property or district is eligible for such inclusion or designation, he shall inform the Advisory Council on Historic Preservation, the appropriate State Historic Preservation Officer, the appropriate chief elected local official and the owner or owners of such property, of his determination. The regulations under this paragraph shall include provisions to carry out the purposes of this paragraph in the case of multiple ownership of a single property.

Review.

"(7) The Secretary shall promulgate, or revise, regulations—

Regulations.

"(A) ensuring that significant prehistoric and historic artifacts, and associated records, subject to section 110 of this Act, the Act of June 27, 1960 (16 U.S.C 469c), and the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa and following) are deposited in an institution with adequate long-term curatorial capabilities;

Post, p. 2996.

"(B) establishing a uniform process and standards for documenting historic properties by public agencies and private parties for purposes of incorporation into, or complementing, the national historical architectural and engineering records within the Library of Congress; and

"(C) certifying local governments, in accordance with subsection (c)(1) and for the allocation of funds pursuant to section 103(c) of this Act.

Post, p. 2994.

State Historic Preservation Programs, regulations.

"(b)(1) The Secretary, in consultation with the National Conference of State Historic Preservation Officers and the National Trust for Historic Preservation, shall promulgate or revise regulations for State Historic Preservation Programs. Such regulations shall provide that a State program submitted to the Secretary under this section shall be approved by the Secretary if he determines that the program—

"(A) provides for the designation and appointment by the Governor of a 'State Historic Preservation Officer' to administer such program in accordance with paragraph (3) and for the employment or appointment by such officer of such professionally qualified staff as may be necessary for such purposes;

"(B) provides for an adequate and qualified State historic preservation review board designated by the State Historic Preservation Officer unless otherwise provided for by State law; and

"(C) provides for adequate public participation in the State Historic Preservation Program, including the process of recommending properties for nomination to the National Register.

Evaluation.

"(2) Periodically, but not less than every four years after the approval of any State program under this subsection, the Secretary shall evaluate such program to make a determination as to whether or not it is in compliance with the requirements of this Act. If at any time, the Secretary determines that a State program does not comply with such requirements, he shall disapprove such program, and suspend in whole or in part assistance to such State under subsection (d)(1), unless there are adequate assurances that the program will comply with such requirements within a reasonable period of time. The Secretary may also conduct periodic fiscal audits of State programs approved under this section.

Audits.

"(3) It shall be the responsibility of the State Historic Preservation Officer to administer the State Historic Preservation Program and to—

State Historic Preservation Officer, responsibilities.

"(A) in cooperation with Federal and State agencies, local governments, and private organizations and individuals, direct and conduct a comprehensive statewide survey of historic properties and maintain inventories of such properties;

"(B) identify and nominate eligible properties to the National Register and otherwise administer applications for listing historic properties on the National Register;

"(C) prepare and implement a comprehensive statewide historic preservation plan;

"(D) administer the State program of Federal assistance for historic preservation within the State;

"(E) advise and assist, as appropriate, Federal and State agencies and local governments in carrying out their historic preservation responsibilities;

"(F) cooperate with the Secretary, the Advisory Council on Historic Preservation, and other Federal and State agencies, local governments, and organizations and individuals to ensure that historic properties are taken into consideration at all levels of planning and development;

"(G) provide public information, education, and training and technical assistance relating to the Federal and State Historic Preservation Programs; and

"(H) cooperate with local governments in the development of local historic preservation programs and assist local governments in becoming certified pursuant to subsection (c).

"(4) Any State may carry out all or any part of its responsibilities under this subsection by contract or cooperative agreement with any qualified nonprofit organization or educational institution.

"(5) Any State historic preservation program in effect under prior authority of law may be treated as an approved program for purposes of this subsection until the earlier of—

"(A) the date on which the Secretary approves a program submitted by the State under this subsection, or

"(B) three years after the date of the enactment of the National Historic Preservation Act Amendments of 1980.

Ante, p. 2987.

Certification.

"(c)(1) Any State program approved under this section shall provide a mechanism for the certification by the State Historic Preservation Officer of local governments to carry out the purposes of this Act and provide for the transfer, in accordance with section 103(c), of a portion of the grants received by the States under this Act, to such local governments. Any local government shall be certified to participate under the provisions of this section if the applicable State Historic Preservation Officer, and the Secretary, certifies that the local government—

Post, p. 2994.

Requirements.

"(A) enforces appropriate State or local legislation for the designation and protection of historic properties;

"(B) has established an adequate and qualified historic preservation review commission by State or local legislation;

"(C) maintains a system for the survey and inventory of historic properties that furthers the purposes of subsection (b);

"(D) provides for adequate public participation in the local historic preservation program, including the process of recommending properties for nomination to the National Register; and

"(E) satisfactorily performs the responsibilities delegated to it under this Act.

Grants-in-aid.

Where there is no approved State program, a local government may be certified by the Secretary if he determines that such local government meets the requirements of subparagraphs (A) through (E); and in any such case the Secretary may make grants-in-aid to the local government for purposes of this section.

Notification.

Report.

Ante, p. 2988.

"(2)(A) Before a property within the jurisdiction of the certified local government may be considered by the State to be nominated to the Secretary for inclusion on the National Register, the State Historic Preservation Officer shall notify the owner, the applicable chief local elected official, and the local historic preservation commission. The commission, after reasonable opportunity for public comment, shall prepare a report as to whether or not such property, in its opinion, meets the criteria of the National Register. Within sixty days of notice from the State Historic Preservation Officer, the chief local elected official shall transmit the report of the commission and his recommendation to the State Historic Preservation Officer. Except as provided in subparagraph (B), after receipt of such report and recommendation, or if no such report and recommendation are received within sixty days, the State shall make the nomination pursuant to section 101(a). The State may expedite such process with the concurrence of the certified local government.

Unrecommended nominations.

Appeals.

Ante, p. 2988.

"(B) If both the commission and the chief local elected official recommend that a property not be nominated to the National Register, the State Historic Preservation Officer shall take no further action, unless within thirty days of the receipt of such recommendation by the State Historic Preservation Officer an appeal is filed with the State. If such an appeal is filed, the State shall follow the procedures for making a nomination pursuant to section 101(a). Any report and recommendations made under this section shall be included with any nomination submitted by the State to the Secretary.

Post, p. 2994.

"(3) Any local government certified under this section or which is making efforts to become so certified shall be eligible for funds under the provisions of section 103(c) of this Act, and shall carry out any responsibilities delegated to it in accordance with such terms and conditions as the Secretary deems necessary or advisable.

Grants-in-aid.

"(d)(1) The Secretary shall administer a program of matching grants-in-aid to the States for historic preservation projects, and State historic preservation programs, approved by the Secretary and having as their purpose the identification of historic properties and the preservation of properties included on the National Register.

16 USC 468–468e.

"(2) The Secretary shall administer a program of matching grant-in-aid to the National Trust for Historic Preservation in the United States, chartered by Act of Congress approved October 26, 1949 (63 Stat. 927), for the purposes of carrying out the responsibilities of the National Trust.

Direct grants.

16 USC 470h.

"(3)(A) In addition to the programs under paragraphs (1) and (2), the Secretary shall administer a program of direct grants for the preservation of properties included on the National Register. Funds to support such program annually shall not exceed 10 per centum of the amount appropriated annually for the fund established under section 108. These grants may be made by the Secretary, in consultation with the appropriate State Historic Preservation Officer—

"(i) for the preservation of National Historic Landmarks which are threatened with demolition or impairment and for the preservation of historic properties of World Heritage significance, "(ii) for demonstration projects which will provide information concerning professional methods and techniques having application to historic properties,

"(iii) for the training and development of skilled labor in trades and crafts, and in analysis and curation, relating to historic preservation; and

"(iv) to assist persons or small businesses within any historic district included in the National Register to remain within the district.

"(B) The Secretary may also, in consultation with the appropriate State Historic Preservation Officer, make grants or loans or both under this section to Indian tribes and to nonprofit organizations representing ethnic or minority groups for the preservation of their cultural heritage.

Grants or loans.

"(C) Grants may be made under subparagraph (A) (i) and (iv) only to the extent that the project cannot be carried out in as effective a manner through the use of an insured loan under section 104.

Post, p. 2994.

"(e) No part of any grant made under this section may be used to compensate any person intervening in any proceeding under this Act.

"(f) In consultation with the Advisory Council on Historic Preservation, the Secretary shall promulgate guidelines for Federal agency responsibilities under section 110 of this title.

Post, p. 2996.

"(g) Within one year after the date of enactment of the National Historic Preservation Act Amendments of 1980, the Secretary shall establish, in consultation with the Secretaries of Agriculture and Defense, the Smithsonian Institution, and the Administrator of the General Services Administration, professional standards for the preservation of historic properties in Federal ownership or control.

Ante, p. 2987.

"(h) The Secretary shall develop and make available to Federal agencies, State and local governments, private organizations and individuals, and other nations and international organizations pursuant to the World Heritage Convention, training in, and information concerning, professional methods and techniques for the preservation of historic properties and for the administration of the historic preservation program at the Federal, State, and local level. The Secretary shall also develop mechanisms to provide information concerning historic preservation to the general public including students.".

Historic property preservation, information availability.

SEC. 202. (a) Section 102(a)(3) of the National Historic Preservation Act is amended to read as follows:

16 USC 470b.

"(3) for more than 50 per centum of the aggregate cost of carrying out projects and programs specified in section 101(d) (1) and (2) in any one fiscal year, except that for the costs of State or local historic surveys or inventories the Secretary shall provide 70 per centum of the aggregate cost involved in any one fiscal year.".

Ante, p. 2988.

(b) Section 102(a) of such Act is amended by adding the following at the end thereof: "Except as permitted by other law, the State share of the costs referred to in paragraph (3) shall be contributed by non-Federal sources. Notwithstanding any other provision of law, no grant made pursuant to this Act shall be treated as taxable income for purposes of the Internal Revenue Code of 1954.".

26 USC 1.

(c) Subsection (c) of section 102 of such Act is repealed.

Repeal.

SEC. 203. (a) Subsection (b) of section 103 of the National Historic Preservation Act is amended by inserting after "projects" the words "and programs" and by striking out the second sentence thereof and substituting the following: "The Secretary shall notify each State of its apportionment under this subsection within thirty days following

Apportionment.
16 USC 470c.

the date of enactment of legislation appropriating funds under this Act.".

16 USC 470c.

(b) Section 103 of such Act is amended by adding at the end thereof the following:

"(c) A minimum of 10 per centum of the annual apportionment distributed by the Secretary to each State for the purposes of carrying out this Act shall be transferred by the State, pursuant to the requirements of this Act, to local governments which are certified under section 101(c) for historic preservation projects or programs of such local governments. In any year in which the total annual apportionment to the States exceeds $65,000,000, one half of the excess shall also be transferred by the States to local governments certified pursuant to section 101(c).

Funds, distribution guidelines.

"(d) The Secretary shall establish guidelines for the use and distribution of funds under subsection (c) to insure that no local government receives a disproportionate share of the funds available, and may include a maximum or minimum limitation on the amount of funds distributed to any single local government. The guidelines shall not limit the ability of any State to distribute more than 10 per centum of its annual apportionment under subsection (c), nor shall the Secretary require any State to exceed the 10 per centum minimum distribution to local governments.".

Loan insurance.
16 USC 470d.

SEC. 204. Section 104 of the National Historic Preservation Act is amended to read as follows:

"SEC. 104. (a) The Secretary shall establish and maintain a program by which he may, upon application of a private lender, insure loans (including loans made in accordance with a mortgage) made by such lender to finance any project for the preservation of a property included on the National Register.

"(b) A loan may be insured under this section only if—

"(1) the loan is made by a private lender approved by the Secretary as financially sound and able to service the loan properly;

"(2) the amount of the loan, and interest rate charged with respect to the loan, do not exceed such amount, and such a rate, as is established by the Secretary, by rule;

"(3) the Secretary has consulted the appropriate State Historic Preservation Officer concerning the preservation of the historic property;

"(4) the Secretary has determined that the loan is adequately secured and there is reasonable assurance of repayment;

"(5) the repayment period of the loan does not exceed the lesser of forty years or the expected life of the asset financed;

"(6) the amount insured with respect to such loan does not exceed 90 per centum of the loss sustained by the lender with respect to the loan; and

"(7) the loan, the borrower, and the historic property to be preserved meet other terms and conditions as may be prescribed by the Secretary, by rule, especially terms and conditions relating to the nature and quality of the preservation work.

Interest rates.

The Secretary shall consult with the Secretary of the Treasury regarding the interest rate of loans insured under this section.

"(c) The aggregate unpaid principal balance of loans insured under this section and outstanding at any one time may not exceed the amount which has been covered into the Historic Preservation Fund pursuant to section 108 and subsections (g) and (i) of this section, as in effect on the date of the enactment of this Act but which has not been appropriated for any purpose.

16 USC 470h.

"(d) Any contract of insurance executed by the Secretary under this section may be assignable, shall be an obligation supported by the full faith and credit of the United States, and shall be incontestable except for fraud or misrepresentation of which the holder had actual knowledge at the time it became a holder.

Insurance contract.

"(e) The Secretary shall specify, by rule and in each contract entered into under this section, the conditions and method of payment to a private lender as a result of losses incurred by the lender on any loan insured under this section.

"(f) In entering into any contract to insure a loan under this section, the Secretary shall take steps to assure adequate protection of the financial interests of the Federal Government. The Secretary may—

Federal financial interests, protection.

"(1) in connection with any foreclosure proceeding, obtain, on behalf of the Federal Government, the property securing a loan insured under this title; and

"(2) operate or lease such property for such period as may be necessary to protect the interest of the Federal Government and to carry out subsection (g).

"(g)(1) In any case in which a historic property is obtained pursuant to subsection (f), the Secretary shall attempt to convey such property to any governmental or nongovernmental entity under such conditions as will ensure the property's continued preservation and use; except that if, after a reasonable time, the Secretary, in consultation with the Advisory Council on Historic Preservation, determines that there is no feasible and prudent means to convey such property and to ensure its continued preservation and use, then the Secretary may convey the property at the fair market value of its interest in such property to any entity without restriction.

Property conveyance.

"(2) Any funds obtained by the Secretary in connection with the conveyance of any property pursuant to paragraph (1) shall be covered into the historic preservation fund, in addition to the amounts covered into such fund pursuant to section 108 and subsection (i) of this section, and shall remain available in such fund until appropriated by the Congress to carry out the purposes of this Act.

16 USC 470h.

"(h) The Secretary may assess appropriate and reasonable fees in connection with insuring loans under this section. Any such fees shall be covered into the Historic Preservation Fund, in addition to the amounts covered into such fund pursuant to section 108 and subsection (g) of this section, and shall remain available in such fund until appropriated by the Congress to carry out purposes of this Act.

Fees.

"(i) Notwithstanding any other provision of law, any loan insured under this section shall be treated as non-Federal funds for the purposes of satisfying any requirement of any other provision of law under which Federal funds to be used for any project or activity are conditioned upon the use of non-Federal funds by the recipient for payment of any portion of the costs of such project or activity.

"(j) Effective after the fiscal year 1981 there are authorized to be appropriated, such sums as may be necessary to cover payments incurred pursuant to subsection (e).

Appropriation authorization.

"(k) No debt obligation which is made or committed to be made, or which is insured or committed to be insured, by the Secretary under this section shall be eligible for purchase by, or commitment to purchase by, or sale or issuance to, the Federal Financing Bank.".

SEC. 205. Section 108 of the National Historic Preservation Act is amended by inserting after the term "1981" the phrase "and $150,000,000 for each of fiscal years 1982 through 1987".

16 USC 470h.

SEC. 206. Title I of the National Historic Preservation Act is amended by adding the following new section at the end thereof:

Federal agencies, responsibilities.
16 USC 470h-2.
Ante, p. 2988.

"SEC. 110. (a)(1) The heads of all Federal agencies shall assume responsibility for the preservation of historic properties which are owned or controlled by such agency. Prior to acquiring, constructing, or leasing buildings for purposes of carrying out agency responsibilities, each Federal agency shall use, to the maximum extent feasible, historic properties available to the agency. Each agency shall undertake, consistent with the preservation of such properties and the mission of the agency and the professional standards established pursuant to section 101(f), any preservation, as may be necessary to carry out this section.

Agency-owned properties.
Ante, p. 2988.

"(2) With the advice of the Secretary and in cooperation with the State historic preservation officer for the State involved, each Federal agency shall establish a program to locate, inventory, and nominate to the Secretary all properties under the agency's ownership or control by the agency, that appear to qualify for inclusion on the National Register in accordance with the regulations promulgated under section 101(a)(2)(A). Each Federal agency shall exercise caution to assure that any such property that might qualify for inclusion is not inadvertently transferred, sold, demolished, substantially altered, or allowed to deteriorate significantly.

Records, storage.

"(b) Each Federal agency shall initiate measures to assure that where, as a result of Federal action or assistance carried out by such agency, an historic property is to be substantially altered or demolished, timely steps are taken to make or have made appropriate records, and that such records then be deposited, in accordance with section 101(a), in the Library of Congress or with such other appropriate agency as may be designated by the Secretary, for future use and reference.

Preservation officer.
Post, p. 3000.
Ante, p. 2988.

"(c) The head of each Federal agency shall, unless exempted under section 214, designate a qualified official to be known as the agency's 'preservation officer' who shall be responsible for coordinating that agency's activities under this Act. Each Preservation Officer may, in order to be considered qualified, satisfactorily complete an appropriate training program established by the Secretary under section 101(g).

"(d) Consistent with the agency's missions and mandates, all Federal agencies shall carry out agency programs and projects (including those under which any Federal assistance is provided or any Federal license, permit, or other approval is required) in accordance with the purposes of this Act and, give consideration to programs and projects which will further the purposes of this Act.

Plans, review and approval.

"(e) The Secretary shall review and approve the plans of transferees of surplus federally owned historic properties not later than ninety days after his receipt of such plans to ensure that the prehistorical, historical, architectural, or culturally significant values will be preserved or enhanced.

"(f) Prior to the approval of any Federal undertaking which may directly and adversely affect any National Historic Landmark, the head of the responsible Federal agency shall, to the maximum extent possible, undertake such planning and actions as may be necessary to minimize harm to such landmark, and shall afford the Advisory Council on Historic Preservation a reasonable opportunity to comment on the undertaking.

Preservation costs.

"(g) Each Federal agency may include the costs of preservation activities of such agency under this Act as eligible project costs in all undertakings of such agency or assisted by such agency. The eligible project costs may also include amounts paid by a Federal agency to any State to be used in carrying out such preservation responsibilities of the Federal agency under this Act, and reasonable costs may be charged to Federal licensees and permittees as a condition to the issuance of such license or permit.

Preservation awards program.

"(h) The Secretary shall establish an annual preservation awards program under which he may make monetary awards in amounts of not to exceed $1,000 and provide citations for special achievement to officers and employees of Federal, State, and certified local governments in recognition of their outstanding contributions to the preservation of historic resources. Such program may include the issuance of annual awards by the President of the United States to any citizen of the United States recommended for such award by the Secretary.

42 USC 4321 note.

"(i) Nothing in this Act shall be construed to require the preparation of an environmental impact statement where such a statement would not otherwise be required under the National Environmental Policy Act of 1969, and nothing in this Act shall be construed to provide any exemption from any requirement respecting the preparation of such a statement under such Act.

Regulations.

"(j) The Secretary shall promulgate regulations under which the requirements of this section may be waived in whole or in part in the event of a major natural disaster or an imminent threat to the national security.".

SEC. 207. Title I of the National Historic Preservation Act is amended by adding the following at the end thereof:

Leases. 16 USC 470h-3.

"SEC. 111. (a) Notwithstanding any other provision of law, any Federal agency may, after consultation with the Advisory Council on Historic Preservation, lease an historic property owned by the agency to any person or organization, or exchange any property owned by the agency with comparable historic property, if the agency head determines that the lease or exchange will adequately insure the preservation of the historic property.

Proceeds.

"(b) The proceeds of any lease under subsection (a) may, notwithstanding any other provision of law, be retained by the agency entering into such lease and used to defray the costs of administration, maintenance, repair, and related expenses incurred by the agency with respect to such property or other properties which are on the National Register which are owned by, or are under the jurisdiction or control of, such agency. Any surplus proceeds from such leases shall be deposited into the Treasury of the United States at the end of the second fiscal year following the fiscal year in which such proceeds were received.

Surplus funds.

Contracts.

"(c) The head of any Federal agency having responsibility for the management of any historic property may, after consultation with the Advisory Council on Historic Preservation, enter into contracts for the management of such property. Any such contract shall contain such terms and conditions as the head of such agency deems necessary or appropriate to protect the interests of the United States and insure adequate preservation of the historic property.".

16 USC 469c-2.

SEC. 208. Notwithstanding section 7(a) of the Act of June 27, 1960 (16 U.S.C. 469c), or any other provision of law to the contrary—

(1) identification, surveys, and evaluation carried out with respect to historic properties within project areas may be treated for purposes of any law or rule of law as planning costs of the project and not as costs of mitigation;

(2) reasonable costs for identification, surveys, evaluation, and data recovery carried out with respect to historic properties within project areas may be charged to Federal licensees and

permittees as a condition to the issuance of such license or permit; and

Waiver.

(3) Federal agencies, with the concurrence of the Secretary and after notification of the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, are authorized to waive, in appropriate cases, the 1 per centum limitation contained in section 7(a) of such Act.

16 USC 469c.

TITLE III—AMENDMENTS TO TITLE II OF NATIONAL HISTORIC PRESERVATION ACT

16 USC 470i.

SEC. 301. (a) Section 201(a) of the National Historic Preservation Act is amended by striking out "twenty-nine" and all that follows and substituting: "the following members:

"(1) a Chairman appointed by the President selected from the general public;

"(2) the Secretary of the Interior;

"(3) the Architect of the Capitol;

"(4) the Secretary of Agriculture and the heads of four other agencies of the United States (other than the Department of the Interior) the activities of which affect historic preservation, appointed by the President;

"(5) one Governor appointed by the President;

"(6) one mayor appointed by the President;

"(7) the President of the National Conference of State Historic Preservation Officers;

"(8) the Chairman of the National Trust for Historic Preservation;

"(9) four experts in the field of historic preservation appointed by the President from the disciplines of architecture, history, archeology, and other appropriate disciplines; and

"(10) three at-large members from the general public, appointed by the President.".

(b) Section 201(b) of such Act is amended by deleting (1) through (17) and substituting (2) through (8) (other than (5) and (6))" and by inserting the following before the period ", except that, in the case of paragraphs (2) and (4), no such officer other than an Assistant Secretary or an officer having major department-wide or agency-wide responsibilities may be so designated".

Term of office.

(c) Section 201(c) of such Act is amended to read as follows:

"(c) Each member of the Council appointed under paragraph (1), and under paragraphs (9) and (10) of subsection (a) shall serve for a term of four years from the expiration of his predecessor's term; except that the members first appointed under that paragraph shall serve for terms of one to four years, as designated by the President at the time of appointment, in such manner as to insure that the terms of not more than two of them will expire in any one year. The members appointed under paragraphs (5) and (6) shall serve for the term of their elected office but not in excess of four years. An appointed member may not serve more than two terms. An appointed member whose term has expired shall serve until that member's successor has been appointed.".

Vacancies.

(d) Section 201(d) of such Act is amended to read as follows:

"(d) A vacancy in the Council shall not affect its powers, but shall be filled, not later than sixty days after such vacancy commences, in the same manner as the original appointment (and for the balance of any unexpired terms). The members of the Advisory Council on

Historic Preservation appointed by the President under this Act as in effect on the day before the enactment of the National Historic Preservation Act Amendments of 1980 shall remain in office until all members of the Council, as specified in this section, have been appointed. The members first appointed under this section shall be appointed not later than one hundred and eighty days after the enactment of the National Historic Preservation Act Amendments of 1980.". *Ante*, p. 2987.

(e) Section 201(e) of such Act is amended to read as follows: 16 USC 470i.

"(e) The President shall designate a Vice Chairman, from the members appointed under paragraph (5), (6), (9), or (10). The Vice Chairman may act in place of the Chairman during the absence or disability of the Chairman or when the office is vacant.".

(f) Section 201(f) of such Act is amended by deleting the word "Fifteen" and substituting in lieu thereof the word "Nine".

(g)(1) Section 202(a) of such Act is amended by striking out "and" after the semicolon in paragraph (4), by striking out the period at the end of paragraph (5) and inserting in lieu thereof a semicolon, and by adding at the end thereof the following new paragraphs: 16 USC 470j.

"(6) review the policies and programs of Federal agencies and recommend to such agencies methods to improve the effectiveness, coordination, and consistency of those policies and programs with the policies and programs carried out under this Act; and

"(7) inform and educate Federal agencies, State and local governments, Indian tribes, other nations and international organizations and private groups and individuals as to the Council's authorized activities.".

(2) Section 202(b) of such Act is amended by inserting the following before the period at the end thereof: "and shall provide the Council's assessment of current and emerging problems in the field of historic preservation and an evaluation of the effectiveness of the programs of Federal agencies, State and local governments, and the private sector in carrying out the purposes of this Act".

(h) Section 204 of such Act is amended by striking out the first sentence and so much of the second sentence as precedes the words "shall receive" and substituting "The members of the Council specified in paragraphs (2), (3), and (4) of section 201(a) shall serve without additional compensation. The other members of the Council". 16 USC 470*l*. *Ante*, p. 2998.

(i) The third sentence of section 205(b) of such Act is amended by inserting after the words "whenever appropriate" the phrase ", including enforcement of agreements with Federal agencies to which the Council is a party". 16 USC 470m.

(j) Section 205(g) of such Act is amended by (1) inserting after the word "duties" in the second sentence "and may also receive donations of moneys for such purpose, and the Executive Director is authorized, in his discretion, to accept, hold, use, expend, and administer the same for the purposes of this Act"; and (2) striking out "(1) through (16)" and substituting "(2) through (4)".

(k) Section 210 of such Act is amended by striking out the first sentence thereof. 16 USC 470r.

(l) Section 211 of such Act is amended by adding the following at the end thereof: "The Council shall, by regulation, establish such procedures as may be necessary to provide for participation by local governments in proceedings and other actions taken by the Council with respect to undertakings referred to in section 106 which affect such local governments.". 16 USC 470s. 16 USC 470f.

SEC. 302. (a) Title II of the National Historic Preservation Act is amended by adding the following new sections at the end thereof:

Report. 16 USC 470u.

"SEC. 213. To assist the Council in discharging its responsibilities under this Act, the Secretary at the request of the Chairman, shall provide a report to the Council detailing the significance of any historic property, describing the effects of any proposed undertaking on the affected property, and recommending measures to avoid, minimize, or mitigate adverse effects.

Regulations or guidelines. 16 USC 470v.

"SEC. 214. The Council, with the concurrence of the Secretary, shall promulgate regulations or guidelines, as appropriate, under which Federal programs or undertakings may be exempted from any or all of the requirements of this Act when such exemption is determined to be consistent with the purposes of this Act, taking into consideration the magnitude of the exempted undertaking or program and the likelihood of impairment of historic properties.".

16 USC 470t.

(b) Section 212(b) of such Act is amended by striking out "Senate Committee on Interior and Insular Affairs" and substituting "Senate Committee on Energy and Natural Resources".

TITLE IV—INTERNATIONAL ACTIVITIES AND WORLD HERITAGE CONVENTION

16 USC 470a-1.

27 UST 37.

SEC. 401. (a) The Secretary of the Interior shall direct and coordinate United States participation in the Convention Concerning the Protection of the World Cultural and Natural Heritage, approved by the Senate on October 26, 1973, in cooperation with the Secretary of State, the Smithsonian Institution, and the Advisory Council on Historic Preservation. Whenever possible, expenditures incurred in carrying out activities in cooperation with other nations and international organizations shall be paid for in such excess currency of the country or area where the expense is incurred as may be available to the United States.

World Heritage Committee nominations.

(b) The Secretary of the Interior shall periodically nominate properties he determines are of international significance to the World Heritage Committee on behalf of the United States. No property may be so nominated unless it has previously been determined to be of national significance. Each such nomination shall include evidence of such legal protections as may be necessary to ensure preservation of the property and its environment (including restrictive covenants, easements, or other forms of protection). Before making any such nomination, the Secretary shall notify the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate.

Notification of congressional committees.

(c) No non-Federal property may be nominated by the Secretary of the Interior to the World Heritage Committee for inclusion on the World Heritage List unless the owner of the property concurs in writing to such nomination.

16 USC 470a-2.

SEC. 402. Prior to the approval of any Federal undertaking outside the United States which may directly and adversely affect a property which is on the World Heritage List or on the applicable country's equivalent of the National Register, the head of a Federal agency having direct or indirect jurisdiction over such undertaking shall take into account the effect of the undertaking on such property for purposes of avoiding or mitigating any adverse effects.

TITLE V—GENERAL, ADMINISTRATIVE, AND MISCELLANEOUS PROVISIONS

SEC. 501. The National Historic Preservation Act is amended by adding the following new title at the end thereof:

"TITLE III

"SEC. 301. As used in this Act, the term—

Definitions.
16 USC 470w.

"(1) 'Agency' means agency as such term is defined in section 551 of title 5, United States Code, except that in the case of any Federal program exempted under section 214, the agency administering such program shall not be treated as an agency with respect to such program.

Ante, p. 3000.

"(2) 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territories of the Pacific Islands.

"(3) 'Local government' means a city, county, parish, township, municipality, or borough, or any other general purpose political subdivision of any State.

"(4) 'Indian tribe' means the governing body of any Indian tribe, band, nation, or other group which is recognized as an Indian tribe by the Secretary of the Interior and for which the United States holds land in trust or restricted status for that entity or its members. Such term also includes any Native village corporation, regional corporation, and Native Group established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1701 et seq.).

43 USC 1601 note.

"(5) 'Historic property' or 'historic resource' means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion on the National Register; such term includes artifacts, records, and remains which are related to such a district, site, building, structure, or object.

"(6) 'National Register' or 'Register' means the National Register of Historic Places established under section 101.

Ante, p. 2988.

"(7) 'Undertaking' means any action as described in section 106.

16 USC 470f.

"(8) 'Preservation' or 'historic preservation' includes identification, evaluation, recordation, documentation, curation, acquisition, protection, management, rehabilitation, restoration, stabilization, maintenance and reconstruction, or any combination of the foregoing activities.

"(9) 'Cultural park' means a definable urban area which is distinguished by historic resources and land related to such resources and which constitutes an interpretive, educational, and recreational resource for the public at large.

"(10) 'Historic conservation district' means an urban area of one or more neighborhoods and which contains (A) historic properties, (B) buildings having similar or related architectural characteristics, (C) cultural cohesiveness, or (D) any combination of the foregoing.

"(11) 'Secretary' means the Secretary of the Interior except where otherwise specified.

"(12) 'State historic preservation review board' means a board, council, commission, or other similar collegial body established as provided in section 101(b)(1)(B)—

Ante, p. 2988.

Membership.

"(A) the members of which are appointed by the State Historic Preservation Officer (unless otherwise provided for by State law),

"(B) a majority of the members of which are professionals qualified in the following and related disciplines: history, prehistoric and historic archaeology, architectural history, and architecture, and

Authority.

"(C) which has the authority to—

"(i) review National Register nominations and appeals from nominations;

"(ii) review appropriate documentation submitted in conjunction with the Historic Preservation Fund;

"(iii) provide general advice and guidance to the State Historic Preservation Officer, and

"(iv) perform such other duties as may be appropriate.

"(13) 'Historic preservation review commission' means a board, council, commission, or other similar collegial body which is established by State or local legislation as provided in section 101(c)(1)(B), and the members of which are appointed, unless otherwise provided by State or local legislation, by the chief elected official of the jurisdiction concerned from among—

Ante, p. 2988.

"(A) professionals in the disciplines of architecture, history, architectural history, planning, archaeology, or related disciplines, to the extent such professionals are available in the community concerned, and

"(B) such other persons as have demonstrated special interest, experience, or knowledge in history, architecture, or related disciplines and as will provide for an adequate and qualified commission.

Expenditures.
16 USC 470w-1.

"SEC. 302. Where appropriate, each Federal agency is authorized to expend funds appropriated for its authorized programs for the purposes of activities carried out pursuant to this Act, except to the extent appropriations legislation expressly provides otherwise.

Gifts or donations.
16 USC 470w-2.

"SEC. 303. (a) The Secretary is authorized to accept donations and bequests of money and personal property for the purposes of this Act and shall hold, use, expend, and administer the same for such purposes.

"(b) The Secretary is authorized to accept gifts or donations of less than fee interests in any historic property where the acceptance of such interests will facilitate the conservation or preservation of such properties. Nothing in this section or in any provision of this Act shall be construed to affect or impair any other authority of the Secretary under other provision of law to accept or acquire any property for conservation or preservation or for any other purpose.

Information disclosure.
16 USC 470w-3.

"SEC. 304. The head of any Federal agency, after consultation with the Secretary, shall withhold from disclosure to the public, information relating to the location or character of historic resources whenever the head of the agency or the Secretary determines that the disclosure of such information may create a substantial risk of harm, theft, or destruction to such resources or to the area or place where such resources are located.

16 USC 470w-4.

"SEC. 305. In any civil action brought in any United States district court by any interested person to enforce the provisions of this Act, if such person substantially prevails in such action, the court may award attorneys' fees, expert witness fees, and other costs of participating in such action, as the court deems reasonable.

National Museum for the Building Arts.
16 USC 470w-5.

"SEC. 306. (a) In order to provide a national center to commemorate and encourage the building arts and to preserve and maintain a nationally significant building which exemplifies the great achievements of the building arts in the United States, the Secretary and the Administrator of the General Services Administration are authorized and directed to enter into a cooperative agreement with the Committee for a National Museum of the Building Arts, Incorporated, a nonprofit corporation organized and existing under the laws of the District of Columbia, or its successor, for the operation of a National Museum for the Building Arts in the Federal Building located in the block bounded by Fourth Street, Fifth Street, F Street, and G Street, Northwest in Washington, District of Columbia. Such museum shall—

"(1) collect and disseminate information concerning the building arts, including the establishment of a national reference center for current and historic documents, publications, and research relating to the building arts;

"(2) foster educational programs relating to the history, practice and contribution to society of the building arts, including promotion of imaginative educational approaches to enhance understanding and appreciation of all facets of the building arts;

"(3) publicly display temporary and permanent exhibits illustrating, interpreting and demonstrating the building arts;

"(4) sponsor or conduct research and study into the history of the building arts and their role in shaping our civilization; and

"(5) encourage contributions to the building arts.

"(b) The cooperative agreement referred to in subsection (a) shall include provisions which—

"(1) make the site available to the Committee referred to in subsection (a) without charge;

"(2) provide, subject to available appropriations, such maintenance, security, information, janitorial and other services as may be necessary to assure the preservation and operation of the site; and

"(3) prescribe reasonable terms and conditions by which the Committee can fulfill its responsibilities under this Act.

Grants-in-aid.

"(c) The Secretary is authorized and directed to provide matching grants-in-aid to the Committee referred to in subsection (a) for its programs related to historic preservation. The Committee shall match such grants-in-aid in a manner and with such funds and services as shall be satisfactory to the Secretary, except that no more than $500,000 may be provided to the Committee in any one fiscal year.

Renovation.

"(d) The renovation of the site shall be carried out by the Administrator with the advice of the Secretary. Such renovation shall, as far as practicable—

"(1) be commenced immediately,

"(2) preserve, enhance, and restore the distinctive and historically authentic architectural character of the site consistent with the needs of a national museum of the building arts and other compatible use, and

"(3) retain the availability of the central court of the building, or portions thereof, for appropriate public activities.

Report submittal.

"(e) The Committee shall submit an annual report to the Secretary and the Administrator concerning its activities under this section and shall provide the Secretary and the Administrator with such other information as the Secretary may, from time to time, deem necessary or advisable.

"Building arts."

"(f) For purposes of this section, the term 'building arts' includes, but shall not be limited to, all practical and scholarly aspects of prehistoric, historic, and contemporary architecture, archaeology, construction, building technology and skills, landscape architecture, preservation and conservation, building and construction, engineering, urban and community design and renewal, city and regional planning, and related professsions, skills, trades, and crafts.

Publication in Federal Register. Regulations, transmittal to congressional committees. 16 USC 470w-6.

"SEC. 307. (a) At least thirty days prior to publishing in the Federal Register any proposed regulation required by this Act, the Secretary shall transmit a copy of the regulation to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. The Secretary also shall transmit to such committees a copy of any final regulation prior to its publication in the Federal Register. Except as provided in subsection (b) of this section, no final regulation of the Secretary shall become effective prior to the expiration of thirty calendar days after it is published in the Federal Register during which either or both Houses of Congress are in session.

Final regulations. Notification of congressional committees.

"(b) In the case of an emergency, a final regulation of the Secretary may become effective without regard to the last sentence of subsection (a) if the Secretary notified in writing the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate setting forth the reasons why it is necessary to make the regulation effective prior to the expiration of the thirty-day period.

Noneffective regulations.

"(c) Except as provided in subsection (b), the regulation shall not become effective if, within ninety calendar days of continuous session of Congress after the date of promulgation, both Houses of Congress adopt a concurrent resolution, the matter after the resolving clause of which is as follows: 'That Congress disapproves the regulation promulgated by the Secretary dealing with the matter of , which regulation was transmitted to Congress on ,' the blank spaces therein being appropriately filled.

"(d) If at the end of sixty calendar days of continuous session of Congress after the date of promulgation of a regulation, no committee of either House of Congress has reported or been discharged from further consideration of a concurrent resolution disapproving the regulation, and neither House has adopted such a resolution, the regulation may go into effect immediately. If, within such sixty calendar days, such a committee has reported or been discharged from further consideration of such a resolution, the regulation may go into effect not sooner than ninety calendar days of continuous session of Congress after its promulgation unless disapproved as provided for.

"(e) For the purposes of this section—

"(1) continuity of session is broken only by an adjournment sine die; and

"(2) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of sixty and ninety calendar days of continuous session of Congress.

"(f) Congressional inaction on or rejection of a resolution of disapproval shall not be deemed an expression of approval of such regulation.".

Report to President and Congress. 16 USC 470a note.

SEC. 502. The Secretary, in cooperation with the American Folklife Center of the Library of Congress shall, within two years after the date of the enactment of this Act, submit a report to the President and the Congress on preserving and conserving the intangible elements of our cultural heritage such as arts, skills, folklife, and folkways. The report shall take into account the view of other public and private organizations, as appropriate. This report shall include recommendations for legislative and administrative actions by the Federal Government in order to preserve, conserve, and encourage the continuation of the diverse traditional prehistoric, historic, ethnic, and folk cultural traditions that underlie and are a living expression of our American heritage.

Report to President and Congress. 16 USC 470j note.

SEC. 503. The Advisory Council on Historic Preservation, in cooperation with the Secretary and the Secretary of the Treasury, shall submit a report to the President and the Congress on Federal tax laws relating to historic preservation or affecting in any manner historic preservation. Such report shall include recommendations respecting amendments to such laws which would further the purposes of this Act. Such report shall be submitted within one year after the date of enactment of this Act.

Report to President and Congress. 16 USC 470h note.

SEC. 504. The Secretary shall submit a report directly to the President and the Congress on or before June 1, 1986, reviewing the operation of the Historic Preservation Fund and the national historic preservation program since the enactment of this Act and recommending appropriate funding levels, the time period for the reauthorization for appropriations from the fund, and other appropriate legislative action to be undertaken upon the expiration of the current fund authorization.

Development plan, review. 40 USC 874 note.

SEC. 505. The Pennsylvania Avenue Development Corporation shall review the development plan for those parts of the development area which are not under development or committed for development as of the date of the enactment of this Act, to identify means by which the historic values of such parts of the development area may be preserved and enhanced to the maximum extent feasible. The foregoing review shall not be limited by the applicable provisions of the development plan in effect at the time of the review; nor shall the review require any actions by the Corporation during the course of the review or during its consideration by the Congress. Within one year of the date of this Act the Corporation shall submit to the appropriate committees of Congress a report containing the findings of the review required under this section, together with the Corporation's recommendations for any legislative measures or funding necessary to carry out the purposes of this section. The report shall also include a description of those activities which the Corporation proposes to undertake to carry out the purposes of this section and the financial implications of carrying out those activities.

Report to congressional committees.

Study. 16 USC 470a note.

SEC. 506. The Secretary shall undertake a comprehensive study and formulate recommendations for a coordinated system of cultural parks and historic conservation districts that provide for the preservation, interpretation, development, and use by public and private entities of the prehistoric, historic, architectural, cultural, and recreational resources found in definable urban areas throughout the Nation. The study shall propose alternatives concerning the management and funding of such system by public and private entities and by various levels of government. The Secretary shall submit a report of his study and recommendations to the President and the Congress within two years after the enactment of this Act.

Report to President and Congress.

Report to President and Congress. 16 USC 470a note.

SEC. 507. The Secretary, in cooperation with the Secretary of the Treasury, the Administrator of the United States Fire Administration, and the Administrator of the Federal Insurance Administration, shall submit a report to the President and the Congress on fire in historic properties. Such report shall include a review of Federal laws to determine any relationship between these laws and arson or fire by "suspicious origin", and to make recommendations respecting amendments to such laws should a correlation be found to exist. Such report shall include the feasibility and necessity of establishing or developing protective measures at the Federal, State, or local level for the prevention, detection, and control of arson or fire by "suspicious origin" in historic properties. Such report shall also include recommendations regarding the Federal role in assisting the States and local governments with protecting historic properties from damage by fire. Such report shall be submitted within eighteen months after the date of enactment of this Act.

Approved December 12, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1457 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 96-943 accompanying S. 3116 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 126 (1980):
Nov. 17, considered and passed House.
Nov. 19, considered and passed Senate, in lieu of S. 3116.

Public Law 96-516
96th Congress

An Act

To authorize appropriations for activities for the National Science Foundation for the fiscal year 1981, and to promote the full use of human resources in science and technology through a comprehensive and continuing program to increase substantially the contribution and advancement of women and minorities in scientific, professional, and technical careers, and for other purposes.

Dec. 12, 1980
[S. 568]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Science Foundation Authorization and Science and Technology Equal Opportunities Act".

National Science Foundation Authorization and Science and Technology Equal Opportunities Act.
42 USC 1861 note.

PART A—NATIONAL SCIENCE FOUNDATION AUTHORIZATION

AUTHORIZATION OF APPROPRIATIONS

SEC. 11. There are authorized to be appropriated to the National Science Foundation (hereinafter referred to as the "Foundation") for the fiscal year 1981, the sums indicated for the following categories:

(1) Mathematical and Physical Sciences, $259,800,000.

(2) Astronomical, Atmospheric, Earth and Ocean Sciences, $237,100,000.

(3) United States Antarctic Program, $64,200,000.

(4) Ocean Drilling Programs, $22,000,000.

(5) Biological, Behavioral, and Social Sciences, $182,000,000.

(6) Science Education Programs, $91,200,000.

(7)(A) Engineering, $62,615,000.

(B) Applied Sciences, $74,385,000 of which not less than 12.5 per centum shall be expended to small business concerns.

(8) Scientific, Technological, and International Affairs, $28,000,000.

(9) Cross-Directorate Programs, $33,200,000.

(10) Program Development and Management, $60,000,000.

AVAILABILITY OF APPROPRIATIONS

SEC. 12. Appropriations made under authority provided in sections 11 and 15 shall remain available for obligation, for expenditure, or for obligation and expenditure for periods specified in the Acts making the appropriations.

SPECIAL EMPHASIS PROGRAMS

SEC. 13. (a) Of the total amount authorized under section 11(6)—

(1) not less than $1,500,000 shall be available for science education programs relating to Appropriate Technology;

(2) not less than $2,400,000 shall be available for Science Faculty Improvement Programs, for year-long awards to experienced, full-time, two- and four-year college and university science teachers who are involved primarily in undergraduate science instruction to increase their competence in science;

(3) not less than $2,250,000 shall be available for the program Ethics and Values in Science and Technology; and

(4) not less than $500,000 shall be available for the program Handicapped in Science.

(b) Of the total amount authorized under sections 11(1), 11(2), 11(5), 11(7)(A), and 11(7)(B) for equipment and instrumentation, not less than $5,000,000 shall be made available for grants to two- and four-year colleges for equipment and instrumentation costing $35,000, or less.

(c) Of the total amount authorized under sections 11(1), 11(2), 11(5), and 11(7), not less than $2,000,000 shall be available for the salaries of faculty members of two-year and four-year colleges that have only small or no doctoral programs in science and engineering or of universities that have very limited science and engineering programs, for the purpose of enabling them to participate in research projects at institutions other than the faculty members' home institutions.

(d) Of the total amount authorized under section 11(7)—

(1) not less than $19,400,000 shall be available for Earthquake Hazards Mitigation;

(2) not less than $1,000,000 shall be available for the Small Business Innovation Program, for projects to aid the handicapped;

(3) not less than $3,000,000 shall be available for Research and Development in Appropriate Technology;

(4) not less than $5,000,000 shall be available for a Center for Innovation Development to be located in an area which experienced an unemployment rate in excess of 10 per centum in 1979, and which is centrally located to serve several major metropolitan centers; and

(5) not less than $1,800,000 shall be available for the establishment and operation of three university-based Innovation Centers.

(e) Of the total amount authorized under section 11(8), $14,500,000 is authorized for International Cooperative Science Activities.

(f) Of the total amount authorized under section 11(9), not more than $1,600,000 is authorized for United States/Union Soviet Socialist Republics cooperative research, no portion of which shall be expended until the President has certified in writing to the Congress that such expenditures shall be of direct and very substantial benefit to the United States of America.

OCEAN MARGIN DRILLING PROJECT REPORT

Report to Congress.

SEC. 14. (a) The Foundation shall prepare a report on the Ocean Margin Drilling Project and shall transmit the report to Congress not later than December 31, 1980. The report shall include—

(1) plans for conversion of the Glomar Explorer or other drilling platform;

(2) plans for drilling;

(3) detailed cost estimates;

(4) a discussion of the feasibility and cost of alternative drilling platforms;

(5) plans for funding; and

(6) other plans.

Study, report to Congress.

(b) The National Academy of Sciences shall study marine earth sciences research and report to the Congress.

(c) To the extent permitted by law, all Federal funding of the Ocean Margin Drilling Project shall be provided from the Windfall Profit Tax Account.

OFFICIAL EXPENSES

Sec. 15. From appropriations made under this Act, not more than $5,000 for fiscal year 1981 may be used for official consultation, representation, or other extraordinary expenses at the discretion of the Director of the National Science Foundation (hereinafter referred to as the "Director"). His determination will be final and conclusive upon the accounting officers of the Government.

FOREIGN CURRENCY

Sec. 16. Besides the sums authorized by section 11, not more than $5,500,000 for fiscal year 1981 are authorized to be appropriated for expenses of the National Science Foundation incurred outside the United States, to be drawn from foreign currencies that the Treasury Department determines to be excess to the normal requirements of the United States.

TRANSFER AUTHORITY

Transfer of funds.

Sec. 17. (a) Funds may be transferred among the categories listed in section 11, so long as the net funds transferred to or from any category do not exceed 10 per centum of the amount authorized for that category in section 11.

Proposed transfer, submittal to congressional committees.

(b) The Director of the Foundation may propose transfers to or from any category exceeding 10 per centum of the amounts authorized for that category in section 11 or available for that category after the application of section 19. Such a proposed transfer must be explained and transmitted in writing to the Speaker of the House, the President of the Senate, and the Senate Committee on Labor and Human Resources and the House Committee on Science and Technology. The proposed transfer may be made only when—

(1) thirty calendar days have passed after submission of the written proposal, or

(2) the chairman of the House Committee on Science and Technology and the chairman of the Senate Committee on Labor and Human Resources have each written the Director to the effect that the respective committee has no objection to the proposed transfer.

DIRECTORATE CONSOLIDATION

42 USC 1866 note.

Sec. 18. The National Science Foundation is directed to consolidate all Directorates, including the Science Education Directorate, under one roof, in the present location of the central administrative offices, on or before August 1, 1982.

RATABLE REDUCTION

Sec. 19. If the total amount of appropriations made by any Act for program activities included in section 11 and section 13 for the fiscal year 1981 is less than the total amount authorized to be appropriated for those activities by section 11 and section 13, the amount available from such appropriations for any particular program activity shall bear the same ratio to the amount authorized to be appropriated for that activity by section 11 and section 13 as the total amount of the appropriations made by such appropriation Act for all included program activities bears to the total amount authorized to be appropriated for those activities by section 11 and section 13 (with each ceiling and floor set forth in section 11 and section 13 being reduced in the same ratio for purposes of determining the amounts so available), except to the extent specifically otherwise provided in the text of the Act making the appropriations for the program activities involved.

GRANT TITLES

42 USC 1864 note.

Sec. 20. The Director of the National Science Foundation shall require the titles of all its grants to contain a brief statement of the purpose of the research being undertaken. Insofar as possible such statements shall be in layman's language.

AMENDMENTS TO THE NATIONAL SCIENCE FOUNDATION ACT OF 1950

42 USC 1863.

Sec. 21. (a) Section 4(c) of the National Science Foundation Act of 1950 is amended by inserting after the first sentence the following new sentence: "In making nominations under this section, the President shall give due regard to equitable representation of scientists who are women or who represent minority groups.".

Repeal. 42 USC 1874.

(b)(1) Section 15(c) of the National Science Foundation Act of 1950 is repealed.

(2) Subsection (d) of section 15 of such Act is redesignated as subsection (c).

42 USC 1875.

(c) Section 16 of the National Science Foundation Act of 1950 is amended to read as follows:

"APPROPRIATIONS

"Sec. 16. To enable the Foundation to carry out its powers and duties, only such sums may be appropriated as the Congress may authorize by law.".

AMENDMENTS TO AWARDS

42 USC 1881.

Sec. 22. (a)(1) Section 2(a) of the Act entitled "An Act to establish a National Medal of Science to provide recognition for individuals who make outstanding contributions in the physical, biological, mathematical, and engineering sciences" approved August 25, 1959, is amended by striking "or engineering" and inserting in lieu thereof "engineering, behavioral or social".

(2) The title of such Act is amended by striking out "and engineering" and inserting in lieu thereof "engineering, behavioral, and social".

42 USC 1881a.

(b) Section 6(a) of the National Science Foundation Authorization Act, 1976 is amended by inserting after "engineering" a comma and the following: "behavioral, social".

Science and Technology Equal Opportunities Act.

Part B—Women, Minorities, Science, and Technology

SHORT TITLE

42 USC 1861 note.

Sec. 31. This part may be cited as the "Science and Technology Equal Opportunities Act".

FINDINGS AND POLICY

42 USC 1885.

Sec. 32. (a) The Congress finds that it is in the national interest to promote the full use of human resources in science and technology and to insure the full development and use of the scientific talent and technical skills of men and women, equally, of all ethnic, racial, and economic backgrounds.

(b) The Congress declares it is the policy of the United States to encourage men and women, equally, of all ethnic, racial, and economic backgrounds to acquire skills in science and mathematics, to have equal opportunity in education, training, and employment in scientific and technical fields, and thereby to promote scientific literacy and the full use of the human resources of the Nation in science and technology. To this end, the Congress declares that the highest quality science over the long-term requires substantial support, from currently available research and educational funds, for increased participation in science and technology by women and minorities. The Congress further declares that the impact on women and minorities which is produced by advances in science and technology must be included as essential factors in national and international science, technology, and economic policies.

WOMEN IN SCIENCE

SEC. 33. The Foundation is authorized to— 42 USC 1885a.

(1) support activities designed to—

(A) increase the participation of women in courses of study at the undergraduate, graduate, and postgraduate levels leading to degrees in scientific and technical fields;

(B) encourage women to consider and prepare for careers in science and technology; or

(C) provide traineeship and fellowship opportunities for women in science and technology;

(2) support programs in science and mathematics in elementary and secondary schools so as to stimulate the acquisition of knowledge, skills, and information by female students and to increase female student awareness of career opportunities requiring scientific and technical skills;

(3) support activities in continuing education in science and engineering which provide opportunities for women who—

(A) are in the work force, or

(B) who are not in the work force because their careers have been interrupted,

to acquire new knowledge, techniques, and skills in scientific and technical fields;

(4) undertake a comprehensive research program designed to increase public understanding of (A) the potential contribution of women in science and technology and (B) the means to facilitate the participation and advancement of women in scientific and technical careers;

(5) establish a visiting women scientists program;

(6) support activities designed to improve the availability and quality of public information concerning the importance of the participation of women in careers in science and technology;

(7) support activities of museums and science centers which demonstrate potential to interest and involve women in science and technology;

National Research Opportunity Grants.

(8) make grants, to be known as the National Research Opportunity Grants, to women scientists who (A) have received their doctorates within five years prior to the date of the award or (B) have received their doctorates, have had their careers inter-

rupted, and are re-entering the work force within five years after such interruption;

(9) make grants to women eligible under paragraph (8) to assist such women in planning and developing a research project eligible for support under such paragraph;

(10) provide support to individuals or academic institutions for full-time or part-time visiting professorships for women in science; and

(11) support demonstration project activities of individuals, public agencies, and private entities designed to encourage the employment and advancement of women in science, engineering, and technology.

MINORITIES IN SCIENCE

Science education program.
42 USC 1885b.
Report to congressional committee.

SEC. 34. (a) The Foundation is authorized (1) to undertake or support a comprehensive science education program to increase the participation of minorities in science and technology, and (2) to support activities to initiate research at minority institutions.

(b) By September 30, 1931, the Director, with the advice and assistance of the Committee on Equal Opportunities in Science and Technology established in section 36, shall prepare and transmit to the Committee on Labor and Human Resources of the Senate and the Committee on Science and Technology of the House of Representatives a report proposing a comprehensive and continuing program at the Foundation to promote the full participation of minorities in science and technology. Such report shall contain budgetary and legislative recommendations for the carrying out of such program by the Foundation.

NATIONAL POLICY DEVELOPMENT

Report to Congress.
42 USC 1885 note.

SEC. 35. (a) By January 20, 1982, the President, with the assistance of the Director of the Office of Science and Technology Policy and the Director of the Foundation, shall prepare and transmit a report to the Congress proposing a comprehensive national policy and program, including budgetary and legislative recommendations, for the promotion of equal opportunity for women and minorities in science and technology.

Report to Congress.

(b) On or before January 1, 1983, the President, with the assistance of the Director of the Office of Science and Technology Policy, the heads of appropriate executive departments, and the Director of the Foundation shall prepare and transmit a report to the Congress proposing a comprehensive policy, including budgetary and legislative recommendations, concerning the direct and indirect impacts of science and technology on women and minorities.

COMMITTEE ON EQUAL OPPORTUNITIES IN SCIENCE AND TECHNOLOGY

Establishment.
42 USC 1885c.

SEC. 36. (a) There is established within the Foundation a Committee on Equal Opportunities in Science and Technology (hereinafter referred to as the "Committee"). The Committee shall provide advice to the Foundation concerning (1) the implementation of the provisions of this Act and (2) other policies and activities of the Foundation to encourage full participation of women, minorities, and other groups currently underrepresented in scientific engineering, professional, and technical fields.

(b) Each member of the Committee shall be appointed by the Director with the concurrence of the National Science Board. The Chairperson of the National Science Board Committee on Minorities and Women shall be an ex officio member of the Committee. Members of the Committee shall be appointed to serve for a three-year term, and may be reappointed to serve one additional term of three years.

Term.

(c) There shall be a subcommittee of the Committee which shall be known as the Subcommittee on Women in Science and Technology. The Subcommittee on Women in Science and Technology shall have responsibility for all Committee matters relating to (1) the participation in and opportunities for the education, training, and research of women in science and technology and (2) the impact of science and technology on women. The Subcommittee shall be composed of all the women members of the Committee and such other members of the Committee as the Committee may designate.

Subcommittee on Women in Science and Technology.

(d) There shall be a subcommittee of the Committee which shall be known as the Subcommittee on Minorities in Science and Technology. The Subcommittee on Minorities in Science and Technology shall have responsibility for all Committee matters relating to (1) the participation in and opportunities for education, training, and research for minorities in science and technology and (2) the impact of science and technology on minorities. The Subcommittee shall be composed of all minority members of the Committee and such other members of the Committee as the Committee may designate.

Subcommittee on Minorities in Science and Technology.

(e) The Committee may organize such additional standing or ad hoc subcommittees as the Committee finds appropriate.

(f) Each year the Committee shall prepare and transmit to the Director a report concerning its activities during the previous year and its proposed activities for the next year. The Director shall transmit to Congress the report, unaltered, along with comments.

Report to Director and Congress.

BIENNIAL REPORT

SEC. 37. (a) By January 30, 1982, and biennially thereafter, the Director shall simultaneously transmit a report to the Congress, the Attorney General, the Director of the Office of Science and Technology Policy, the Chairman of the Equal Employment Opportunity Commission, the Director of the Office of Personnel Management, the Secretary of Labor, the Secretary of Education, and the Secretary of Health and Human Services.

Report to Congress and certain Federal agencies.
42 USC 1885d.

(b) The report required by subsection (a) shall contain—

Contents.

(1) an accounting and comparison, by sex, race, and ethnic group and by discipline, of the participation of women and men in scientific and technical positions, including—

(A) the number of individuals in permanent and temporary and in full-time and part-time scientific and technical positions by appropriate level or similar category;

(B) the average salary of individuals in such scientific and technical positions;

(C) the number and type of promotional opportunities realized by individuals in such scientific and technical positions;

(D) the number of individuals serving as principal investigators in federally conducted or federally supported research and development; and

(E) the unemployment rate of individuals seeking scientific and technical positions;

(2) an assessment, including quantitative and other data, of the proportion of women and minorities studying scientific and

technical fields, including mathematics and computer skills, at all educational levels; and

(3) such other data, analyses, and evaluations as the Director, acting on the advice of the Committee on Equal Opportunities in Science and Technology, determines appropriate to carry out the Foundation's functions as well as the policies and programs of this Act.

SEVERABILITY

42 USC 1885 note.

SEC. 38. If a provision of this Act is held invalid, the validity of the other provisions of the Act shall not be affected. If an application of a provision of this Act to a person or circumstance is held invalid, the validity of the application of the provisions to another person or circumstance shall not be affected.

AUTHORIZATION OF APPROPRIATIONS

SEC. 39. Of the sums appropriated for the National Science Foundation pursuant to section 11, not less then $30,000,000 shall be available in fiscal year 1981 to carry out the provisions of this part.

Approved December 12, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-999 accompanying H.R. 7115 (Comm. on Science and Technology) and No. 96-1474 (Comm. of Conference).
SENATE REPORTS: No. 96-713 (Comm. on Labor and Human Resources) and No. 96-1028 (Comm. of Conference).
CONGRESSIONAL RECORD, Vol. 126 (1980):
June 16, H.R. 7115 considered in House.
June 23, S. 568 considered and passed Senate.
Sept. 4, H.R. 7115 considered and passed House; passage vacated and S. 568, amended, passed in lieu.
Nov. 21, Senate agreed to conference report.
Dec. 2, House agreed to conference report.

Public Law 96-517
96th Congress

An Act

To amend the patent and trademark laws.

Dec. 12, 1980
[H.R. 6933]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 35 of the United States Code, entitled "Patents", is amended by adding after chapter 29 the following new chapter 30:

Patent and trademark laws, amendment.

"CHAPTER 30—PRIOR ART CITATIONS TO OFFICE AND REEXAMINATION OF PATENTS

"Sec.
"301. Citation of prior art.
"302. Request for reexamination.
"303. Determination of issue by Commissioner.
"304. Reexamination order by Commissioner.
"305. Conduct of reexamination proceedings.
"306. Appeal.
"307. Certificate of patentability, unpatentability, and claim cancellation.

"§ 301. Citation of prior art

35 USC 301.

"Any person at any time may cite to the Office in writing prior art consisting of patents or printed publications which that person believes to have a bearing on the patentability of any claim of a particular patent. If the person explains in writing the pertinency and manner of applying such prior art to at least one claim of the patent, the citation of such prior art and the explanation thereof will become a part of the official file of the patent. At the written request of the person citing the prior art, his or her identity will be excluded from the patent file and kept confidential.

"§ 302. Request for reexamination

35 USC 302.

"Any person at any time may file a request for reexamination by the Office of any claim of a patent on the basis of any prior art cited under the provisions of section 301 of this title. The request must be in writing and must be accompanied by payment of a reexamination fee established by the Commissioner of Patents pursuant to the provisions of section 41 of this title. The request must set forth the pertinency and manner of applying cited prior art to every claim for which reexamination is requested. Unless the requesting person is the owner of the patent, the Commissioner promptly will send a copy of the request to the owner of record of the patent.

Fee.

Post, p. 3017.

"§ 303. Determination of issue by Commissioner

35 USC 303.

"(a) Within three months following the filing of a request for reexamination under the provisions of section 302 of this title, the Commissioner will determine whether a substantial new question of patentability affecting any claim of the patent concerned is raised by the request, with or without consideration of other patents or printed publications. On his own initiative, and any time, the Commissioner may determine whether a substantial new question of patentability is raised by patents and publications discovered by him or cited under the provisions of section 301 of this title.

Record.

"(b) A record of the Commissioner's determination under subsection (a) of this section will be placed in the official file of the patent, and a copy promptly will be given or mailed to the owner of record of the patent and to the person requesting reexamination, if any.

Refund.

"(c) A determination by the Commissioner pursuant to subsection (a) of this section that no substantial new question of patentability has been raised will be final and nonappealable. Upon such a determination, the Commissioner may refund a portion of the reexamination fee required under section 302 of this title.

35 USC 304.

"§ 304. Reexamination order by Commissioner

Filing period.

"If, in a determination made under the provisions of subsection 303(a) of this title, the Commissioner finds that a substantial new question of patentability affecting any claim of a patent is raised, the determination will include an order for reexamination of the patent for resolution of the question. The patent owner will be given a reasonable period, not less than two months from the date a copy of the determination is given or mailed to him, within which he may file a statement on such question, including any amendment to his patent and new claim or claims he may wish to propose, for consideration in the reexamination. If the patent owner files such a statement, he promptly will serve a copy of it on the person who has requested reexamination under the provisions of section 302 of this title. Within a period of two months from the date of service, that person may file and have considered in the reexamination a reply to any statement filed by the patent owner. That person promptly will serve on the patent owner a copy of any reply filed.

35 USC 305.

"§ 305. Conduct of reexamination proceedings

35 USC 132, 133.

"After the times for filing the statement and reply provided for by section 304 of this title have expired, reexamination will be conducted according to the procedures established for initial examination under the provisions of sections 132 and 133 of this title. In any reexamination proceeding under this chapter, the patent owner will be permitted to propose any amendment to his patent and a new claim or claims thereto, in order to distinguish the invention as claimed from the prior art cited under the provisions of section 301 of this title, or in response to a decision adverse to the patentability of a claim of a patent. No proposed amended or new claim enlarging the scope of a claim of the patent will be permitted in a reexamination proceeding under this chapter. All reexamination proceedings under this section, including any appeal to the Board of Appeals, will be conducted with special dispatch within the Office.

35 USC 306.

"§ 306. Appeal

35 USC 134.
35 USC 141-145.

"The patent owner involved in a reexamination proceeding under this chapter may appeal under the provisions of section 134 of this title, and may seek court review under the provisions of sections 141 to 145 of this title, with respect to any decision adverse to the patentability of any original or proposed amended or new claim of the patent.

35 USC 307.

"§ 307. Certificate of patentability, unpatentability, and claim cancellation

"(a) In a reexamination proceeding under this chapter, when the time for appeal has expired or any appeal proceeding has terminated, the Commissioner will issue and publish a certificate canceling any claim of the patent finally determined to be unpatentable, confirming any claim of the patent determined to be patentable, and incorporating in the patent any proposed amended or new claim determined to be patentable.

"(b) Any proposed amended or new claim determined to be patentable and incorporated into a patent following a reexamination proceeding will have the same effect as that specified in section 252 of this title for reissued patents on the right of any person who made, purchased, or used anything patented by such proposed amended or new claim, or who made substantial preparation for the same, prior to issuance of a certificate under the provisions of subsection (a) of this section.". 35 USC 252.

SEC. 2. Section 41 of title 35, United States Code, is amended to read as follows:

"§41. Patent fees 35 USC 41.

"(a) The Commissioner of Patents will establish fees for the processing of an application for a patent, from filing through disposition by issuance or abandonment, for maintaining a patent in force, and for providing all other services and materials related to patents. No fee will be established for maintaining a design patent in force.

"(b) By the first day of the first fiscal year beginning on or after one calendar year after enactment of this Act, fees for the actual processing of an application for a patent, other than for a design patent, from filing through disposition by issuance or abandonment, will recover in aggregate 25 per centum of the estimated average cost to the Office of such processing. By the first day of the first fiscal year beginning on or after one calendar year after enactment, fees for the processing of an application for a design patent, from filing through disposition by issuance or abandonment, will recover in aggregate 50 per centum of the estimated average cost to the Office of such processing.

"(c) By the fifteenth fiscal year following the date of enactment of this Act, fees for maintaining patents in force will recover 25 per centum of the estimated cost to the Office, for the year in which such maintenance fees are received, of the actual processing all applications for patents, other than for design patents, from filing through disposition by issuance or abandonment. Fees for maintaining a patent in force will be due three years and six months, seven years and six months, and eleven years and six months after the grant of the patent. Unless payment of the applicable maintenance fee is received in the Patent and Trademark Office on or before the date the fee is due or within a grace period of six months thereafter, the patent will expire as of the end of such grace period. The Commissioner may require the payment of a surcharge as a condition of accepting within such six-month grace period the late payment of an applicable maintenance fee.

"(d) By the first day of the first fiscal year beginning on or after one calendar year after enactment, fees for all other services or materials related to patents will recover the estimated average cost to the Office of performing the service or furnishing the material. The yearly fee for providing a library specified in section 13 of this title with uncertified printed copies of the specifications and drawings for all patents issued in that year will be $50. 35 USC 13.

"(e) The Commissioner may waive the payment of any fee for any service or material related to patents in connection with an occasional or incidental request made by a department or agency of the Waiver.

35 USC 132.

Government, or any officer thereof. The Commissioner may provide any applicant issued a notice under section 132 of this title with a copy of the specifications and drawings for all patents referred to in that notice without charge.

"(f) Fees will be adjusted by the Commissioner to achieve the levels of recovery specified in this section; however, no patent application processing fee or fee for maintaining a patent in force will be adjusted more than once every three years.

Notice.

"(g) No fee established by the Commissioner under this section will take effect prior to sixty days following notice in the Federal Register.".

SEC. 3. Section 42 of title 35, United States Code, is amended to read as follows:

35 USC 42.

"§ 42. Patent and Trademark Office funding

"(a) All fees for services performed by or materials furnished by the Patent and Trademark Office will be payable to the Commissioner.

"(b) All fees paid to the Commissioner and all appropriations for defraying the costs of the activities of the Patent and Trademark Office will be credited to the Patent and Trademark Office Appropriation Account in the Treasury of the United States, the provisions of section 725e of title 31, United States Code, notwithstanding.

"(c) Revenues from fees will be available to the Commissioner of Patents to carry out, to the extent provided for in appropriation Acts, the activities of the Patent and Trademark Office.

Refund.

"(d) The Commissioner may refund any fee paid by mistake or any amount paid in excess of that required.".

SEC. 4. Section 154 of title 35, United States Code, is amended by deleting the word "issue".

SEC. 5. Section 31 of the Trademark Act of 1946, as amended (15 U.S.C. 1113), is amended to read as follows:

"§ 31. Fees

"(a) The Commissioner of Patents will establish fees for the filing and processing of an application for the registration of a trademark or other mark and for all other services performed by and materials furnished by the Patent and Trademark Office related to trademarks and other marks. Fees will be set and adjusted by the Commissioner to recover in aggregate 50 per centum of the estimated average cost to the Office of such processing. Fees for all other services or materials related to trademarks and other marks will recover the estimated average cost to the Office of performing the service or furnishing the material. However, no fee for the filing or processing of an application for the registration of a trademark or other mark or for the renewal or assignment of a trademark or other mark will be adjusted more than once every three years. No fee established under this section will take effect prior to sixty days following notice in the Federal Register.

Notice.

Waiver.

"(b) The Commissioner may waive the payment of any fee for any service or material related to trademarks or other marks in connection with an occasional request made by a department or agency of the Government, or any officer thereof. The Indian Arts and Crafts Board will not be charged any fee to register Government trademarks of genuineness and quality for Indian products or for products of particular Indian tribes and groups.".

Indian products, exception.

SEC. 6. (a) Title 35 of the United States Code, entitled "Patents", is amended by adding after chapter 37 the following new chapter 38:

"CHAPTER 38—PATENT RIGHTS IN INVENTIONS MADE WITH FEDERAL ASSISTANCE

"Sec.
"200. Policy and objective.
"201. Definitions.
"202. Disposition of rights.
"203. March-in rights.
"204. Preference for United States industry.
"205. Confidentiality.
"206. Uniform clauses and regulations.
"207. Domestic and foreign protection of federally owned inventions.
"208. Regulations governing Federal licensing.
"209. Restrictions on licensing of federally owned inventions.
"210. Precedence of chapter.
"211. Relationship to antitrust laws.

"§ 200. Policy and objective

35 USC 200.

"It is the policy and objective of the Congress to use the patent system to promote the utilization of inventions arising from federally supported research or development; to encourage maximum participation of small business firms in federally supported research and development efforts; to promote collaboration between commercial concerns and nonprofit organizations, including universities; to ensure that inventions made by nonprofit organizations and small business firms are used in a manner to promote free competition and enterprise; to promote the commercialization and public availability of inventions made in the United States by United States industry and labor; to ensure that the Government obtains sufficient rights in federally supported inventions to meet the needs of the Government and protect the public against nonuse or unreasonable use of inventions; and to minimize the costs of administering policies in this area.

"§ 201. Definitions

35 USC 201.

"As used in this chapter—

"(a) The term 'Federal agency' means any executive agency as defined in section 105 of title 5, United States Code, and the military departments as defined by section 102 of title 5, United States Code.

"(b) The term 'funding agreement' means any contract, grant, or cooperative agreement entered into between any Federal agency, other than the Tennessee Valley Authority, and any contractor for the performance of experimental, developmental, or research work funded in whole or in part by the Federal Government. Such term includes any assignment, substitution of parties, or subcontract of any type entered into for the performance of experimental, developmental, or research work under a funding agreement as herein defined.

"(c) The term 'contractor' means any person, small business firm, or nonprofit organization that is a party to a funding agreement.

"(d) The term 'invention' means any invention or discovery which is or may be patentable or otherwise protectable under this title.

"(e) The term 'subject invention' means any invention of the contractor conceived or first actually reduced to practice in the performance of work under a funding agreement.

"(f) The term 'practical application' means to manufacture in the case of a composition or product, to practice in the case of a process or method, or to operate in the case of a machine or system; and, in each case, under such conditions as to establish that the invention is being utilized and that its benefits are to the extent permitted by law or Government regulations available to the public on reasonable terms.

"(g) The term 'made' when used in relation to any invention means the conception or first actual reduction to practice of such invention.

"(h) The term 'small business firm' means a small business concern as defined at section 2 of Public Law 85-536 (15 U.S.C. 632) and implementing regulations of the Administrator of the Small Business Administration.

"(i) The term 'nonprofit organization' means universities and other institutions of higher education or an organization of the type described in section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)) and exempt from taxation under section 501(a) of the Internal Revenue Code (26 U.S.C. 501(a)) or any nonprofit scientific or educational organization qualified under a State nonprofit organization statute.

35 USC 202.

"§ 202. Disposition of rights

Funding agreement.

"(a) Each nonprofit organization or small business firm may, within a reasonable time after disclosure as required by paragraph (c)(1) of this section, elect to retain title to any subject invention: *Provided, however,* That a funding agreement may provide otherwise (i) when the funding agreement is for the operation of a Government-owned research or production facility, (ii) in exceptional circumstances when it is determined by the agency that restriction or elimination of the right to retain title to any subject invention will better promote the policy and objectives of this chapter or (iii) when it is determined by a Government authority which is authorized by statute or Executive order to conduct foreign intelligence or counter-intelligence activities that the restriction or elimination of the right to retain title to any subject invention is necessary to protect the security of such activities. The rights of the nonprofit organization or small business firm shall be subject to the provisions of paragraph (c) of this section and the other provisions of this chapter.

Written determination.

Copy to Comptroller General.

Copy to SBA.

"(b)(1) Any determination under (ii) of paragraph (a) of this section shall be in writing and accompanied by a written statement of facts justifying the determination. A copy of each such determination and justification shall be sent to the Comptroller General of the United States within thirty days after the award of the applicable funding agreement. In the case of determinations applicable to funding agreements with small business firms copies shall also be sent to the Chief Counsel for Advocacy of the Small Business Administration.

Contrary agency determinations.

"(2) If the Comptroller General believes that any pattern of determinations by a Federal agency is contrary to the policy and objectives of this chapter or that an agency's policies or practices are otherwise not in conformance with this chapter, the Comptroller General shall so advise the head of the agency. The head of the agency shall advise the Comptroller General in writing within one hundred and twenty days of what action, if any, the agency has taken or plans to take with respect to the matters raised by the Comptroller General.

Report to congressional committees.

"(3) At least once each year, the Comptroller General shall transmit a report to the Committees on the Judiciary of the Senate and House of Representatives on the manner in which this chapter is being implemented by the agencies and on such other aspects of Government patent policies and practices with respect to federally funded inventions as the Comptroller General believes appropriate.

Funding agreement requirements.

"(c) Each funding agreement with a small business firm or nonprofit organization shall contain appropriate provisions to effectuate the following:

"(1) A requirement that the contractor disclose each subject invention to the Federal agency within a reasonable time after it is made and that the Federal Government may receive title to any subject invention not reported to it within such time.

"(2) A requirement that the contractor make an election to retain title to any subject invention within a reasonable time after disclosure and that the Federal Government may receive title to any subject invention in which the contractor does not elect to retain rights or fails to elect rights within such time.

"(3) A requirement that a contractor electing rights file patent applications within reasonable times and that the Federal Government may receive title to any subject inventions in the United States or other countries in which the contractor has not filed patent applications on the subject invention within such times.

"(4) With respect to any invention in which the contractor elects rights, the Federal agency shall have a nonexclusive, nontransferable, irrevocable, paid-up license to practice or have practiced for or on behalf of the United States any subject invention throughout the world, and may, if provided in the funding agreement, have additional rights to sublicense any foreign government or international organization pursuant to any existing or future treaty or agreement.

"(5) The right of the Federal agency to require periodic reporting on the utilization or efforts at obtaining utilization that are being made by the contractor or his licensees or assignees: *Provided*, That any such information may be treated by the Federal agency as commercial and financial information obtained from a person and privileged and confidential and not subject to disclosure under section 552 of title 5 of the United States Code.

"(6) An obligation on the part of the contractor, in the event a United States patent application is filed by or on its behalf or by any assignee of the contractor, to include within the specification of such application and any patent issuing thereon, a statement specifying that the invention was made with Government support and that the Government has certain rights in the invention.

"(7) In the case of a nonprofit organization, (A) a prohibition upon the assignment of rights to a subject invention in the United States without the approval of the Federal agency, except where such assignment is made to an organization which has as one of its primary functions the management of inventions and which is not, itself, engaged in or does not hold a substantial interest in other organizations engaged in the manufacture or sale of products or the use of processes that might utilize the invention or be in competition with embodiments of the invention (provided that such assignee shall be subject to the same provisions as the contractor); (B) a prohibition against the granting of exclusive licenses under United States Patents or Patent Applications in a subject invention by the contractor to persons other than small business firms for a period in excess of the earlier of five years from first commercial sale or use of the invention or eight years from the date of the exclusive license excepting that time before regulatory agencies necessary to obtain premarket clearance unless, on a case-by-case basis, the Federal agency approves a longer exclusive license. If exclusive field of use licenses are granted, commercial sale or use in one field of use shall not be deemed commercial sale or use as to other fields of use, and a first commercial sale or use with respect to a product of the invention shall not be deemed to end the exclusive period to different subsequent products covered by the invention; (C) a requirement that the contractor share royalties with the inventor; and (D) a requirement that the balance of any royalties or income earned by the contractor with respect to subject inventions, after payment of expenses (including payments to inventors) incidental to the administration of subject inventions, be utilized for the support of scientific research or education.

"(8) The requirements of sections 203 and 204 of this chapter.

Rights, retention.

"(d) If a contractor does not elect to retain title to a subject invention in cases subject to this section, the Federal agency may consider and after consultation with the contractor grant requests for retention of rights by the inventor subject to the provisions of this Act and regulations promulgated hereunder.

Rights, transfer or assignment.

"(e) In any case when a Federal employee is a coinventor of any invention made under a funding agreement with a nonprofit organization or small business firm, the Federal agency employing such coinventor is authorized to transfer or assign whatever rights it may acquire in the subject invention from its employee to the contractor subject to the conditions set forth in this chapter.

Third-party licensing, prohibition.

"(f)(1) No funding agreement with a small business firm or nonprofit organization shall contain a provision allowing a Federal agency to require the licensing to third parties of inventions owned by the contractor that are not subject inventions unless such provision has been approved by the head of the agency and a written justification has been signed by the head of the agency. Any such provision shall clearly state whether the licensing may be required in connection with the practice of a subject invention, a specifically identified work object, or both. The head of the agency may not delegate the authority to approve provisions or sign justifications required by this paragraph.

"(2) A Federal agency shall not require the licensing of third parties under any such provision unless the head of the agency determines that the use of the invention by others is necessary for the practice of a subject invention or for the use of a work object of the funding agreement and that such action is necessary to achieve the practical application of the subject invention or work object. Any such determination shall be on the record after an opportunity for an agency hearing. Any action commenced for judicial review of such determination shall be brought within sixty days after notification of such determination.

35 USC 203.

"§ 203. March-in rights

"With respect to any subject invention in which a small business firm or nonprofit organization has acquired title under this chapter, the Federal agency under whose funding agreement the subject invention was made shall have the right, in accordance with such procedures as are provided in regulations promulgated hereunder to require the contractor, an assignee or exclusive licensee of a subject invention to grant a nonexclusive, partially exclusive, or exclusive license in any field of use to a responsible applicant or applicants, upon terms that are reasonable under the circumstances, and if the contractor, assignee, or exclusive licensee refuses such request, to grant such a license itself, if the Federal agency determines that such—

"(a) action is necessary because the contractor or assignee has not taken, or is not expected to take within a reasonable time, effective steps to achieve practical application of the subject invention in such field of use;

"(b) action is necessary to alleviate health or safety needs which are not reasonably satisfied by the contractor, assignee, or their licensees;

"(c) action is necessary to meet requirements for public use specified by Federal regulations and such requirements are not reasonably satisfied by the contractor, assignee, or licensees; or

"(d) action is necessary because the agreement required by section 204 has not been obtained or waived or because a licensee of the exclusive right to use or sell any subject invention in the United States is in breach of its agreement obtained pursuant to section 204.

"§ 204. Preference for United States industry

35 USC 204.

"Notwithstanding any other provision of this chapter, no small business firm or nonprofit organization which receives title to any subject invention and no assignee of any such small business firm or nonprofit organization shall grant to any person the exclusive right to use or sell any subject invention in the United States unless such person agrees that any products embodying the subject invention or produced through the use of the subject invention will be manufactured substantially in the United States. However, in individual cases, the requirement for such an agreement may be waived by the Federal agency under whose funding agreement the invention was made upon a showing by the small business firm, nonprofit organization, or assignee that reasonable but unsuccessful efforts have been made to grant licenses on similar terms to potential licensees that would be likely to manufacture substantially in the United States or that under the circumstances domestic manufacture is not commercially feasible.

Waiver.

"§ 205. Confidentiality

35 USC 205.

"Federal agencies are authorized to withhold from disclosure to the public information disclosing any invention in which the Federal Government owns or may own a right, title, or interest (including a nonexclusive license) for a reasonable time in order for a patent application to be filed. Furthermore, Federal agencies shall not be required to release copies of any document which is part of an application for patent filed with the United States Patent and Trademark Office or with any foreign patent office.

"§ 206. Uniform clauses and regulations

35 USC 206.

"The Office of Federal Procurement Policy, after receiving recommendations of the Office of Science and Technology Policy, may issue regulations which may be made applicable to Federal agencies implementing the provisions of sections 202 through 204 of this chapter and the Office of Federal Procurement Policy shall establish standard funding agreement provisions required under this chapter.

"§ 207. Domestic and foreign protection of federally owned inventions

35 USC 207.

"Each Federal agency is authorized to—

"(1) apply for, obtain, and maintain patents or other forms of protection in the United States and in foreign countries on inventions in which the Federal Government owns a right, title, or interest;

"(2) grant nonexclusive, exclusive, or partially exclusive licenses under federally owned patent applications, patents, or other forms of protection obtained, royalty-free or for royalties or other consideration, and on such terms and conditions, including the grant to the licensee of the right of enforcement pursuant to the provisions of chapter 29 of this title as determined appropriate in the public interest;

35 USC 281 *et seq.*

"(3) undertake all other suitable and necessary steps to protect and administer rights to federally owned inventions on behalf of the Federal Government either directly or through contract; and

"(4) transfer custody and administration, in whole or in part, to another Federal agency, of the right, title, or interest in any federally owned invention.

35 USC 208.

"§ 208. Regulations governing Federal licensing

"The Administrator of General Services is authorized to promulgate regulations specifying the terms and conditions upon which any federally owned invention, other than inventions owned by the Tennessee Valley Authority, may be licensed on a nonexclusive, partially exclusive, or exclusive basis.

35 USC 209.

"§ 209. Restrictions on licensing of federally owned inventions

Development or marketing plan.

"(a) No Federal agency shall grant any license under a patent or patent application on a federally owned invention unless the person requesting the license has supplied the agency with a plan for development and/or marketing of the invention, except that any such plan may be treated by the Federal agency as commercial and financial information obtained from a person and privileged and confidential and not subject to disclosure under section 552 of title 5 of the United States Code.

Manufacture in U.S.

"(b) A Federal agency shall normally grant the right to use or sell any federally owned invention in the United States only to a licensee that agrees that any products embodying the invention or produced through the use of the invention will be manufactured substantially in the United States.

"(c)(1) Each Federal agency may grant exclusive or partially exclusive licenses in any invention covered by a federally owned domestic patent or patent application only if, after public notice and opportunity for filing written objections, it is determined that—

"(A) the interests of the Federal Government and the public will best be served by the proposed license, in view of the applicant's intentions, plans, and ability to bring the invention to practical application or otherwise promote the invention's utilization by the public;

"(B) the desired practical application has not been achieved, or is not likely expeditiously to be achieved, under any nonexclusive license which has been granted, or which may be granted, on the invention;

"(C) exclusive or partially exclusive licensing is a reasonable and necessary incentive to call forth the investment of risk capital and expenditures to bring the invention to practical application or otherwise promote the invention's utilization by the public; and

"(D) the proposed terms and scope of exclusivity are not greater than reasonably necessary to provide the incentive for bringing the invention to practical application or otherwise promote the invention's utilization by the public.

"(2) A Federal agency shall not grant such exclusive or partially exclusive license under paragraph (1) of this subsection if it determines that the grant of such license will tend substantially to lessen competition or result in undue concentration in any section of the country in any line of commerce to which the technology to be licensed relates, or to create or maintain other situations inconsistent with the antitrust laws.

Antitrust factors.

"(3) First preference in the exclusive or partially exclusive licensing of federally owned inventions shall go to small business firms submitting plans that are determined by the agency to be within the capabilities of the firms and equally likely, if executed, to bring the invention to practical application as any plans submitted by applicants that are not small business firms.

Small business preference.

"(d) After consideration of whether the interests of the Federal Government or United States industry in foreign commerce will be enhanced, any Federal agency may grant exclusive or partially exclusive licenses in any invention covered by a foreign patent application or patent, after public notice and opportunity for filing written objections, except that a Federal agency shall not grant such exclusive or partially exclusive license if it determines that the grant of such license will tend substantially to lessen competition or result in undue concentration in any section of the United States in any line of commerce to which the technology to be licensed relates, or to create or maintain other situations inconsistent with antitrust laws.

Antitrust factors.

"(e) The Federal agency shall maintain a record of determinations to grant exclusive or partially exclusive licenses.

Record.

"(f) Any grant of a license shall contain such terms and conditions as the Federal agency determines appropriate for the protection of the interests of the Federal Government and the public, including provisions for the following:

Terms and conditions.

"(1) periodic reporting on the utilization or efforts at obtaining utilization that are being made by the licensee with particular reference to the plan submitted: *Provided*, That any such information may be treated by the Federal agency as commercial and financial information obtained from a person and privileged and confidential and not subject to disclosure under section 552 of title 5 of the United States Code;

"(2) the right of the Federal agency to terminate such license in whole or in part if it determines that the licensee is not executing the plan submitted with its request for a license and the licensee cannot otherwise demonstrate to the satisfaction of the Federal agency that it has taken or can be expected to take within a reasonable time, effective steps to achieve practical application of the invention;

"(3) the right of the Federal agency to terminate such license in whole or in part if the licensee is in breach of an agreement obtained pursuant to paragraph (b) of this section; and

"(4) the right of the Federal agency to terminate the license in whole or in part if the agency determines that such action is necessary to meet requirements for public use specified by Federal regulations issued after the date of the license and such requirements are not reasonably satisfied by the licensee.

35 USC 210.

"§ 210. Precedence of chapter

"(a) This chapter shall take precedence over any other Act which would require a disposition of rights in subject inventions of small business firms or nonprofit organizations contractors in a manner that is inconsistent with this chapter, including but not necessarily limited to the following:

"(1) section 10(a) of the Act of June 29, 1935, as added by title I of the Act of August 14, 1946 (7 U.S.C. 427i(a); 60 Stat. 1085);

"(2) section 205(a) of the Act of August 14, 1946 (7 U.S.C. 1624(a); 60 Stat. 1090);

91 Stat. 1320.

"(3) section 501(c) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 951(c); 83 Stat. 742);

"(4) section 106(c) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C 1395(c); 80 Stat. 721);

64 Stat. 154.

"(5) section 12 of the National Science Foundation Act of 1950 (42 U.S.C. 1871(a); 82 Stat. 360);

68 Stat. 944.

"(6) section 152 of the Atomic Energy Act of 1954 (42 U.S.C. 2182; 68 Stat. 943);

"(7) section 305 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2457);

"(8) section 6 of the Coal Research Development Act of 1960 (30 U.S.C. 666; 74 Stat. 337);

"(9) section 4 of the Helium Act Amendments of 1960 (50 U.S.C. 167b; 74 Stat. 920);

"(10) section 32 of the Arms Control and Disarmament Act of 1961 (22 U.S.C. 2572; 75 Stat. 634);

"(11) subsection (e) of section 302 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App. 302(e); 79 Stat. 5);

88 Stat. 1887.
42 USC 5908.

"(12) section 9 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5901; 88 Stat. 1878);

"(13) section 5(d) of the Consumer Product Safety Act (15 U.S.C. 2054(d); 86 Stat. 1211);

"(14) section 3 of the Act of April 5, 1944 (30 U.S.C. 323; 58 Stat. 191);

"(15) section 8001(c)(3) of the Solid Waste Disposal Act (42 U.S.C. 6981(c); 90 Stat. 2829);

"(16) section 219 of the Foreign Assistance Act of 1961 (22 U.S.C. 2179; 83 Stat. 806);

"(17) section 427(b) of the Federal Mine Health and Safety Act of 1977 (30 U.S.C. 937(b); 86 Stat. 155);

"(18) section 306(d) of the Surface Mining and Reclamation Act of 1977 (30 U.S.C. 1226(d); 91 Stat. 455);

"(19) section 21(d) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2218(d); 88 Stat. 1548);

"(20) section 6(b) of the Solar Photovoltaic Energy Research Development and Demonstration Act of 1978 (42 U.S.C. 5585(b); 92 Stat. 2516);

7 USC 178j.

"(21) section 12 of the Native Latex Commercialization and Economic Development Act of 1978 (7 U.S.C. 178(j); 92 Stat. 2533); and

92 Stat. 1316.

"(22) section 408 of the Water Resources and Development Act of 1978 (42 U.S.C. 7879; 92 Stat. 1360).

The Act creating this chapter shall be construed to take precedence over any future Act unless that Act specifically cites this Act and provides that it shall take precedence over this Act.

"(b) Nothing in this chapter is intended to alter the effect of the laws cited in paragraph (a) of this section or any other laws with respect to the disposition of rights in inventions made in the performance of funding agreements with persons other than nonprofit organizations or small business firms.

Rights, disposition.

"(c) Nothing in this chapter is intended to limit the authority of agencies to agree to the disposition of rights in inventions made in the performance of work under funding agreements with persons other than nonprofit organizations or small business firms in accordance with the Statement of Government Patent Policy issued on August 23, 1971 (36 Fed. Reg. 16887), agency regulations, or other applicable regulations or to otherwise limit the authority of agencies to allow such persons to retain ownership of inventions. Any disposition of rights in inventions made in accordance with the Statement or implementing regulations, including any disposition occurring before enactment of this section, are hereby authorized.

Disclosure.

"(d) Nothing in this chapter shall be construed to require the disclosure of intelligence sources or methods or to otherwise affect the authority granted to the Director of Central Intelligence by statute or Executive order for the protection of intelligence sources or methods.

35 USC 211.

"§ 211. Relationship to antitrust laws

"Nothing in this chapter shall be deemed to convey to any person immunity from civil or criminal liability, or to create any defenses to actions, under any antitrust law.".

(b) The table of chapters for title 35, United States Code, is amended by adding immediately after the item relating to chapter 37 the following:

"38. Patent rights in inventions made with Federal assistance.".

Sec. 7. Amendments to Other Acts.—The following Acts are amended as follows:

(a) Section 156 of the Atomic Energy Act of 1954 (42 U.S.C. 2186; 68 Stat. 947) is amended by deleting the words "held by the Commission or".

(b) The National Aeronautics and Space Act of 1958 is amended by repealing paragraph (g) of section 305 (42 U.S.C. 2457(g); 72 Stat. 436).

(c) The Federal Nonnuclear Energy Research and Development Act of 1974 is amended by repealing paragraphs (g), (h), and (i) of section 9 (42 U.S.C. 5908 (g), (h), and (i); 88 Stat. 1889-1891).

Effective dates.
35 USC 41 note.

Sec. 8. (a) Sections 2, 4, and 5 of this Act will take effect upon enactment.

(b) Section 1 of this Act will take effect on the first day of the seventh month beginning after its enactment and will apply to patents in force as of that date or issued thereafter.

(c) Section 3 of this Act will take effect on the first day of the first fiscal year beginning on or after one calendar year after enactment. However, until section 3 takes effect, the Commissioner may credit the Patent and Trademark Office appropriation account in the Treasury of the United States with the revenues from collected reexamination fees, which will be available to pay the costs to the Office of reexamination proceedings.

(d) Any fee in effect as of the date of enactment of this Act will remain in effect until a corresponding fee established under section 41 of title 35, United States Code, or section 1113 of title 15, United States Code, takes effect.

(e) Fees for maintaining a patent in force will not be applicable to patents applied for prior to the date of enactment of this Act.

(f) Sections 6 and 7 of this Act will take effect on the first day of the seventh month beginning after its enactment. Implementing regulations may be issued earlier.

(g) Sections 8 and 9 will take effect on the date of enactment of this Act.

Computerized data and retrieval system, report to Congress.
35 USC 14 note.

SEC. 9. The Commissioner of Patents and Trademarks shall report to Congress, within two years after the effective date of this Act, a plan to identify, and if necessary develop or have developed, computerized data and retrieval systems equivalent to the latest state of the art which can be applied to all aspects of the operation of the Patent and Trademark Office, and particularly to the patent search file, the patent classification system, and the trademark search file. The report shall specify the cost of implementing the plan, how rapidly the plan can be implemented by the Patent and Trademark Office, without regard to funding which is or which may be available for this purpose in the future.

SEC. 10. (a) Section 101 of title 17 of the United States Code is amended to add at the end thereof the following new language:

"Computer program."

> "A 'computer program' is a set of statements or instructions to be used directly or indirectly in a computer in order to bring about a certain result.".

(b) Section 117 of title 17 of the United States Code is amended to read as follows:

17 USC 117.

"§ 117. Limitations on exclusive rights: Computer programs

17 USC 106.

"Notwithstanding the provisions of section 106, it is not an infringement for the owner of a copy of a computer program to make or authorize the making of another copy or adaptation of that computer program provided:

> "(1) that such a new copy or adaptation is created as an essential step in the utilization of the computer program in conjunction with a machine and that it is used in no other manner, or
>
> "(2) that such new copy or adaptation is for archival purposes only and that all archival copies are destroyed in the event that continued possession of the computer program should cease to be rightful.

"Any exact copies prepared in accordance with the provisions of this section may be leased, sold, or otherwise transferred, along with the copy from which such copies were prepared, only as part of the lease, sale, or other transfer of all rights in the program. Adaptations so prepared may be transferred only with the authorization of the copyright owner."

Approved December 12, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-1307, Pt. I (Comm. on the Judiciary) and No. 96-1307, Pt. 2 (Comm. on Government Operations).

CONGRESSIONAL RECORD, Vol. 126 (1980):
- Mar. 20, S. 2446 considered and passed Senate.
- Nov. 17, considered and passed House.
- Nov. 20, considered and passed Senate, amended.
- Nov. 21, House concurred in Senate amendment.

Public Law 96-518
96th Congress

Joint Resolution

Dec. 12, 1980
[S.J. Res. 213]

To designate the Clinical Center of the National Institutes of Health located in Montgomery County, Maryland, as the "Warren Grant Magnuson Clinical Center of the National Institutes of Health".

Whereas throughout his distinguished congressional career, Senator Warren Grant Magnuson has fundamentally enriched the lives of the people of his country through his steadfast devotion to improving the quality of health care services and advancing biomedical research: Now, therefore, be it

Warren Grant Magnuson Clinical Center of the National Institutes of Health. Designation.

***Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Clinical Center of the National Institutes of Health located in Montgomery County, Maryland, is designated as the "Warren Grant Magnuson Clinical Center of the National Institutes of Health".**

SEC. 2. Any reference in law, map, regulation, document, record, or other paper of the United States to that clinical center shall be held to be a reference to the "Warren Grant Magnuson Clinical Center of the National Institutes of Health".

SEC. 3. The Committee on Rules and Administration shall place appropriate markers or inscriptions at suitable locations within the clinical center referred to in the first section of this resolution to commemorate and designate such building as provided in this resolution. Expenses incurred under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Approved December 12, 1980.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 126 (1980):
Dec. 2, considered and passed Senate.
Dec. 3, considered and passed House.

Public Law 96-519
96th Congress

An Act

To provide for the settlement and payment of claims of United States civilian and military personnel against the United States for losses resulting from acts of violence directed against the United States Government or its representatives in a foreign country or from an authorized evacuation of personnel from a foreign country.

Dec. 12, 1980
[H.R. 6086]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Military Personnel and Civilian Employees' Claims Act of 1964 (78 Stat. 767, 31 U.S.C. 240 et seq.) is amended by adding at the end thereof the following new section:

U.S. civilian and military personnel. Claims against U.S., payment.
31 USC 243a.

"Sec. 9. (a) Subject to any policies that the President may prescribe, the head of any agency, or his designee, may settle and pay not more than $40,000 for any claim against the United States made by a member of the uniformed services under the jurisdiction of that agency or by a civilian officer or employee of that agency for damage to, or loss of, personal property in a foreign country, incurred on or after December 31, 1978, which damage or loss was incident to the service of that member, officer, or employee, and

"(1)(A) that member, officer, or employee was evacuated from that country on or after December 31, 1978, in accordance with a recommendation or order of the Secretary of State or other competent authority which was made in response to incidents of political unrest or hostile acts by people in that country, and (B) that damage or loss resulted from that evacuation or from any such incident or hostile act; or

"(2) that damage or loss resulted from acts of mob violence, terrorist attacks, or other hostile acts, directed against the United States Government or its officers or employees.

Survivors' claims.

"(b) The head of the agency, or his designee, authorized under subsection (a) to settle and pay a claim of a person described in such subsection may, if such person is deceased, settle and pay any claim made by the decedent's surviving (1) spouse, (2) children, (3) father or mother, or both, or (4) brothers or sisters, or both, that arose before, concurrently with, or after the decedent's death and is otherwise covered by this section. Claims of survivors shall be settled and paid in the order set forth in the preceding sentence.

"(c) A claim may be allowed under this section only if it is presented in writing within two years after the claim accrues, or within one year after the date of the enactment of this section, whichever is later.

Regulations.

31 USC 241.

"(d) The head of each agency shall issue regulations to carry out this section. The same standards applied in adjudicating a claim under section 3 of this Act shall be applied in adjudicating a claim under this section. Any claim to which this section applies but which has been adjudicated under section 3 of this Act by the applicable head of an agency before the date of the enactment of this section shall not be adjudicated under this section, but any amount of loss adjudicated under such section 3 in connection with that claim which has not been paid shall be payable to the extent permitted in this section.

"(e) Upon payment of a claim under this section, the United States shall, to the extent of the amount of such payment, be subrogated to any right or claim, with respect to the same damage or loss for which the claim under this section was paid, that the claimant may have against the foreign country in which that damage or loss occurred.".

31 U.S.C. 243a.

SEC. 2. No funds may be obligated or expended pursuant to the amendments made by this Act, for fiscal years beginning on or after October 1, 1980, except to the extent provided in advance in appropriation Acts. Any payments made pursuant to such amendments before October 1, 1980, may only be made from funds appropriated before the date of enactment of the Act.

Approved December 12, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-858 (Comm. on the Judiciary).
SENATE REPORTS: No. 96-881 accompanying S. 2582 and No. 96-882 accompanying H.R. 6086 (both from Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 126 (1980):
Apr. 21, considered and passed House.
Oct. 1, considered and passed Senate, amended.
Oct. 2, House disagreed to Senate amendments.
Dec. 1, Senate receded from its amendments.

Public Law 96-520
96th Congress

An Act

To provide that a certain portion of Lake Erie shall be declared nonnavigable.

Dec. 12, 1980
[H.R. 8228]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That portion of the Erie Basin in the Buffalo Harbor lying within the following described area is hereby declared to be not a navigable water of the United States within the meaning of the Constitution and the laws of the United States:

Lake Erie, nonnavigable portion.
33 USC 59q.

All that piece or parcel of land, situate, lying and being in the city of Buffalo, County of Erie, State of New York, being part of outer lots 2, 4, 6, 8, 10, 12, and 14, 3, 5, 7, 9, 11, and 15, Buffalo Village, township 11, range 8 of the Holland Land Company's survey and also being part of the New York State Mile Strip Reservation, lots 4, 5, 14, and 15, and the abandoned rights-of-way of Georgia Street (66 feet wide), Erie Street (99 feet wide) and River Street (60 feet wide), and Genesee Street (99 feet wide):

Description.

Beginning at the point of intersection of the northerly right-of-way line of Erie Street (99 feet wide) with the westerly blue line of the former Erie Canal, now the westerly line of P.S.C. grade crossing elimination case numbered 5472;

thence south 60 degrees 59 minutes 41 seconds west along said northerly right-of-way of Erie Street, 200.19 feet to a point;

thence continuing along said northerly right-of-way, the following courses and distances, south 14 degrees 39 minutes 13 seconds west 6.89 feet to a point;

thence south 61 degrees 00 minutes 11 seconds west 35.15 feet to a point of curvature;

thence along a curve to the left of 195.0 feet radius an arc distance of 154.86 feet to a point of tangency;

thence south 15 degrees 30 minutes 00 seconds west 333.34 feet to a point of curvature;

thence along a curve to the right of 273.0 feet radius, an arc distance of 367.28 feet to a point of tangency, said point being in the northerly right-of-way of the Marina Access Road;

thence continuing along said right-of-way line, the following courses and distances north 87 degrees 25 minutes 00 seconds west 241.90 feet to a point of curvature;

thence along a curve to the right of 1,493.00 feet radius an arc distance of 141.14 feet to a point of reverse curvature;

thence along a curve to the left of 487.26 feet radius an arc distance of 139.90 feet to a point of tangency;

thence south 81 degrees 32 minutes 59 seconds west 59.44 feet to a point;

thence north 08 degrees 43 minutes 10 seconds west along a line 266.54 feet to a point on the waters edge of the Erie Basin as now existing;

thence along the following courses and distances along said Erie Basin north 69 degrees 52 minutes 33 seconds east along a line 139.85 feet to a point;

thence north 61 degrees 05 minutes 54 seconds east along a line 255.80 feet to a point;

thence north 15 degrees 47 minutes 39 seconds west along a line 74.47 feet to a point;

thence north 88 degrees 38 minutes 07 seconds west along a line 120.08 feet to a point;

thence north 48 degrees 37 minutes 57 seconds west along a line 78.12 feet to a point;

thence north 18 degrees 38 minutes 10 seconds west along a line 113.53 feet to a point;

thence north 41 degrees 22 minutes 02 seconds east along a line 77.56 feet to a point;

thence north 61 degrees 21 minutes 56 seconds east along a line 277.91 feet to a point;

thence north 28 degrees 37 minutes 56 seconds west along a line 65.59 feet to a point;

thence south 69 degrees 22 minutes 05 seconds west along a line 205.24 feet to a point;

thence north 53 degrees 38 minutes 06 seconds west along a line 120.28 feet to a point;

thence north 13 degrees 35 minutes 39 seconds west along a line 348.76 feet to a point;

thence north 14 degrees 50 minutes 41 seconds east along a line 39.52 feet to a point;

thence north 36 degrees 39 minutes 44 seconds east along a line 69.55 feet to a point;

thence north 61 degrees 47 minutes 02 seconds east along a line 20.14 feet to a point;

thence south 38 degrees 59 minutes 02 seconds east along a line 5.68 feet to a point;

thence north 60 degrees 15 minutes 46 seconds east along a line 116.70 feet to a point;

thence north 28 degrees 41 minutes 22 seconds west along a line 71.77 feet to a point;

thence south 61 degrees 01 minutes 06 seconds west along a line 116.16 feet to a point;

thence south 40 degrees 01 minutes 24 seconds west along a line 3.54 feet to a point;

thence south 61 degrees 38 minutes 00 seconds west along a line 26.80 feet to a point;

thence south 78 degrees 35 minutes 17 seconds west along a line 62.24 feet to a point;

thence north 57 degrees 34 minutes 24 seconds west along a line 155.64 feet to a point;

thence south 41 degrees 52 minutes 34 seconds west along a line 210.98 feet to a point;

thence south 72 degrees 42 minutes 05 seconds west along a line 58.68 feet to a point;

thence north 48 degrees 06 minutes 56 seconds west along a line 92.12 feet to a point;

thence north 11 degrees 03 minutes 41 seconds east along a line 60.10 feet to a point;

thence north 41 degrees 51 minutes 30 seconds east along a line 277.79 feet to a point;

thence north 48 degrees 31 minutes 25 seconds west along a line 246.32 feet to a point;

thence south 41 degrees 58 minutes 24 seconds west along a line 340.29 feet to a point;

thence south 73 degrees 49 minutes 18 seconds west along a line 57.42 feet to a point;

thence north 48 degrees 06 minutes 07 seconds west along a line 92.12 feet to a point;

thence north 11 degrees 06 minutes 02 seconds east along a line 60.09 feet to a point;

thence north 41 degrees 52 minutes 59 seconds east along a line 229.52 feet to a point;

thence north 39 degrees 01 minutes 22 seconds west along a line 1060.30 feet to a point in the northerly boundary of abandoned Georgia Street (66 feet wide);

thence north 55 degrees 22 minutes 10 seconds east along said boundary 895.12 feet to a point in the westerly blue line of the former Erie Canal;

thence south 36 degrees 07 minutes 00 seconds east along said blue line 66.02 feet to a point;

thence south 55 degrees 22 minutes 10 seconds west 6.0 feet to a point;

thence south 36 degrees 07 minutes 00 seconds east 377.01 feet to a point;

thence north 55 degrees 22 minutes 10 seconds east 6.0 feet to a point in the said blue line;

thence on the following courses and distances along said blue line south 36 degrees 07 minutes 00 seconds east 1,144.41 feet to a point;

thence south 53 degrees 53 minutes 03 seconds west 2.65 feet to a point;

thence south 36 degrees 07 minutes 10 seconds east 192.43 feet to a point;

thence south 36 degrees 24 minutes 34 seconds east 100.03 feet to a point;

thence south 36 degrees 26 minutes 22 seconds east 310.03 feet to a point;

thence south 40 degrees 25 minutes 16 seconds east 227.11 feet to a point in the north line of the former Peacock Slip numbered 1;

thence south 27 degrees 10 minutes 49 seconds east 99.66 feet to a point in the south line of the former Peacock Slip numbered 1;

thence north 62 degrees 49 minutes 43 seconds east along said south line 40.14 feet to a point in the said blue line;

thence south 50 degrees 58 minutes 05 seconds east along said blue line 49.31 feet;

thence south 36 degrees 28 minutes 10 seconds east 382.36 feet to a point;

thence south 38 degrees 33 minutes 02 seconds east along said blue line 63.20 feet to the point or place of beginning, containing 64.48 acres, more or less.

Levees, construction.

SEC. 2. Any Federal project submitted for authorization for construction of new levees or modification of existing levees for the control of floods within the Rio Grande from Bernalillo, New Mexico, to Belen, New Mexico, shall not require raising or modification of existing bridge structures within the project area to pass river flows in excess of that the bridges can now accommodate and estimated to be 42,000 cubic feet per second.

Nonnavigable waters.
33 USC 59r.

SEC. 3. Those portions of the Trent River in the city of New Bern, county of Craven, State of North Carolina, bounded and described in Committee Print 95-56 of the Committee on Public Works and Transportation of the House of Representatives are hereby declared to be nonnavigable waters of the United States within the meaning of the laws of the United States.

Approved December 12, 1980.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 126 (1980):
Sept. 30, considered and passed House; considered and passed Senate, amended.
Nov. 21, House concurred in Senate amendment.

Public Law 96-521
96th Congress

An Act

To authorize the Secretary of the Interior to issue certain patents under the Color of Title Act.

Dec. 12, 1980
[H.R. 6211]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Rio Grande Occupancy Resolution Program Area, N. Mex.
Patent issuance.

SECTION 1. That, in the administration of the Color of Title Act, as amended (43 U.S.C. 1068) and the Act of February 23, 1932 (43 U.S.C. 178), the Secretary of the Interior is authorized to issue a patent under such Acts to any applicant for a patent covering lands within the Rio Grande Occupancy Resolution Program Area, New Mexico (hereinafter in this Act referred to as "the area"), if (1) such applicant is otherwise qualified to receive such patent but for the fact that the land covered by the application for such patent involves an adverse claim or claims arising out of, or in connection with, a withdrawal order; and (2) the Secretary has determined, with the concurrence of the agency for which the withdrawal was made, that the continuation of the withdrawal is no longer needed, and that termination of the withdrawal will not adversely affect any Federal program as projected.

SEC. 2. No interest in any Federal land or water resource values are intended to be affected by this Act other than by express terms in the patents authorized to be issued pursuant to section 1 hereof.

SEC. 3. This Act does not apply to Indian lands or lands withdrawn for Indian use unless the applicant is a beneficiary of such Indian withdrawal.

SEC. 4. No later than one year after the date of enactment of this Act, each agency for whom a withdrawal of lands within the area was made shall advise the Secretary as to whether the continuation of each such withdrawal is needed and as to whether termination of any such withdrawal would adversely affect any Federal program as projected. Upon receipt of such advice from such agencies, but in no event later than two years after the date of enactment of this Act, the Secretary shall decide whether or not to make the determination described in section 1 of this Act.

Approved December 12, 1980.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 126 (1980):
Dec. 1, considered and passed House and Senate.

Public Law 96-522
96th Congress

An Act

Dec. 12, 1980
[H.R. 7805]

To authorize appropriations for the American Folklife Center for fiscal years 1982, 1983, and 1984.

American Folklife Center. Appropriation authorization, fiscal years 1982-1984.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8 of the American Folklife Preservation Act (20 U.S.C. 2107) is amended—

(1) by inserting a comma after "1978";

(2) by striking out "and" after "1980,"; and

(3) by inserting after "1981" the following: ", $740,000 for the fiscal year ending September 30, 1982, $890,000 for the fiscal year ending September 30, 1983, and $990,000 for the fiscal year ending September 30, 1984".

Approved December 12, 1980.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 126 (1980):
Nov. 20, considered and passed House.
Dec. 1, considered and passed Senate.

Public Law 96-523
96th Congress

An Act

To amend section 3102 of title 5, United States Code, and section 7 of the Federal Advisory Committee Act to permit the employment of personal assistants for handicapped Federal employees both at their regular duty station and while on travel status.

Dec. 12, 1980
[H.R. 7466]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 3102 of title 5, United States Code, is amended to read as follows:

Handicapped Federal employees. Personal assistants, employment.

"§ 3102. Employment of personal assistants for handicapped employees, including blind and deaf employees

Definitions.

"(a) For the purpose of this section—

"(1) 'agency' means—

"(A) an Executive agency; and

"(B) the Library of Congress;

"(2) 'handicapped employee' means an individual employed by an agency who is blind or deaf or who otherwise qualifies as a handicapped individual within the meaning of section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 794); and

29 USC 791.

"(3) 'nonprofit organization' means an organization determined by the Secretary of the Treasury to be an organization described in section 501(c) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)) which is exempt from taxation under section 501(a) of such Code.

"(b)(1) The head of each agency may employ one or more personal assistants who the head of the agency determines are necessary to enable a handicapped employee of that agency to perform the employee's official duties and who shall serve without pay from the agency, without regard to—

"(A) the provisions of this title governing appointment in the competitive service;

"(B) chapter 51 and subchapter III of chapter 53 of this title; and

5 USC 5101 *et seq*, 5331.

"(C) section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

Such employment may include the employing of a reading assistant or assistants for a blind employee or an interpreting assistant or assistants for a deaf employee.

"(2) A personal assistant, including a reading or interpreting assistant, employed under this subsection may receive pay for services performed by the assistant from the handicapped employee or a nonprofit organization, without regard to section 209 of title 18.

"(c) The head of each agency may also employ or assign one or more personal assistants who the head of the agency determines are necessary to enable a handicapped employee of that agency to perform the employee's official duties. Such employment may include the employing of a reading assistant or assistants for a blind employee or an interpreting assistant or assistants for a deaf employee.

Travel expenses.

"(d)(1) In the case of any handicapped employee (including a blind or deaf employee) traveling on official business, the head of the agency may authorize the payment to an individual to accompany or assist (or both) the handicapped employee for all or a portion of the travel period involved. Any payment under this subsection to such an individual may be made either directly to that individual or by advancement or reimbursement to the handicapped employee.

Payment limitation.

"(2) With respect to any individual paid to accompany or assist a handicapped employee under paragraph (1) of this subsection—

"(A) the amount paid to that individual shall not exceed the limit or limits which the Office of Personnel Management shall prescribe by regulation to ensure that the payment does not exceed amounts (including pay and, if appropriate, travel expenses and per diem allowances) which could be paid to an employee assigned to accompany or assist the handicapped employee; and

5 USC 8101 *et seq.*

"(B) that individual shall be considered an employee, but only for purposes of chapter 81 of this title (relating to compensation for injury) and sections 2671 through 2680 of title 28 (relating to tort claims).

"(e) This section may not be held or considered to prevent or limit in any way the assignment to a handicapped employee (including a blind or deaf employee) by an agency of clerical or secretarial assistance, at the expense of the agency under statutes and regulations currently applicable at the time, if that assistance normally is provided, or authorized to be provided, in that manner under currently applicable statutes and regulations.".

(b) The item relating to section 3102 in the analysis of chapter 31 of title 5, United States Code, is amended to read as follows:

"3102. Employment of personal assistants for handicapped employees, including blind and deaf employees.".

(c)(1) Section 604(a)(16)(A) of title 28, United States Code, is amended by striking out "3102" and inserting in lieu thereof "3102(b)".

Ante, p. 3039.

(2) Section 410(b)(1) of title 39, United States Code, is amended by striking out "3102 (employment of reading assistants for blind employees and interpreting assistants for deaf employees)," and inserting in lieu thereof "section 3102 (employment of personal assistants for blind, deaf, or otherwise handicapped employees),".

SEC. 2. Section 7(d)(1) of the Federal Advisory Committee Act (5 U.S.C. App.) is amended by striking out "and" at the end of subparagraph (A), by striking out the period at the end of subparagraph (B) and inserting "; and" in lieu thereof, and by adding at the end thereof the following new subparagraph:

"(C) such members—

29 USC 791.

"(i) who are blind or deaf or who otherwise qualify as handicapped individuals (within the meaning of section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 794)), and

Ante, p. 3039.

"(ii) who do not otherwise qualify for assistance under section 3102 of title 5, United States Code, by reason of being an employee of an agency (within the meaning of section 3102(a)(1) of such title 5),

may be provided services pursuant to section 3102 of such title 5 while in performance of their advisory committee duties.".

Effective date.
5 USC 3102 note.

SEC. 3. The amendments made by this Act shall take effect sixty days after the date of the enactment of this Act.

SEC. 4. (a) Section 8332 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(m)(1) Upon application to the Office of Personnel Management, any individual who is an employee on the date of the enactment of this subsection, and who has on such date or thereafter acquires 5 years or more of creditable civilian service under this section (exclusive of service for which credit is allowed under this subsection) shall be allowed credit (as service as a Congressional employee) for service before the date of the enactment of this subsection while employed by the Democratic Senatorial Campaign Committee, the Republican Senatorial Campaign Committee, the Democratic National Congressional Committee, or the Republican National Congressional Committee, if—

Federal civilian employees, service credit.

"(A) such employee has at least 5 years service on such committees as of the effective date of this section, and

"(B) such employee makes a deposit to the Fund in an amount equal to the amount which would be required under section 8334(c) of this title if such service were service as a Congressional employee.

5 USC 8334.

"(2) The Office shall accept the certification of the President of the Senate (or his designee) or the Speaker of the House (or his designee), as the case may be, concerning the service of, and the amount of compensation received by, an employee with respect to which credit is to be sought under this subsection.

Service and compensation.

"(3) An individual receiving credit for service for any period under this subsection shall not be granted credit for such service under the provisions of the Social Security Act.".

42 USC 1305.

(b) The amendments made by this section shall take effect on the date of the enactment of this Act.

Effective date.
5 USC 8332 note.

Approved December 12, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1279 (Comm. on Post Office and Civil Service).
CONGRESSIONAL RECORD, Vol. 126 (1980):
 Sept. 8, considered and passed House.
 Nov. 21, considered and passed Senate, amended.
 Dec. 1, House concurred in Senate amendment.

Public Law 96-524
96th Congress

An Act

Dec. 12, 1980
[H.R. 7815]

To recognize the meritorious achievements of certain individuals by providing for the designation of certain post offices in their honor, and for other purposes.

Post offices, name designations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, as soon as practicable after the date of the enactment of this Act, the Postmaster General shall—

(1) designate the post office located at 1140 Olive Street, Saint Louis, Missouri, as the "Henry Winfield Wheeler Post Office";

(2) designate the post office located at 3106 Indiana Street, Kansas City, Missouri, as the "Leon Mercer Jordan Post Office";

(3) designate the post office located at 1720 Market Street, Saint Louis, Missouri, as the "Bernard F. Dickmann Post Office"; and

Designation plaques.

(4) install in each post office referred to in paragraphs (1), (2), and (3), in places in open view of the public, an appropriate plaque indicating the designation of the post office pursuant to this Act.

Approved December 12, 1980.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 126 (1980):
Sept. 25, considered and passed House.
Dec. 4, considered and passed Senate.

Public Law 96-525
96th Congress

An Act

To amend the Foreign Assistance Act of 1961 to authorize appropriations for international disaster assistance for the victims of the recent earthquakes in southern Italy.

Dec. 12, 1980
[H.R. 8388]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 495B of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new subsection:

Italian earthquake victims. International disaster assistance. 22 USC 2292h. Appropriation authorization.

"(d)(1) The Congress recognizes that prompt United States assistance is necessary to alleviate the human suffering arising from the earthquakes in southern Italy in late 1980. Accordingly, there are authorized to be appropriated to the President, in addition to amounts otherwise available for such purpose, $50,000,000 for the fiscal year 1981 for relief, rehabilitation, and reconstruction assistance for the victims of those earthquakes. Such assistance shall be provided in accordance with the policies and general authorities of section 491 and on such terms and conditions as the President may determine.

22 USC 2292.

"(2) Amounts appropriated under this subsection are authorized to remain available until expended.

"(3) Obligations incurred against other appropriations or accounts for the purpose of providing relief, rehabilitation, and reconstruction assistance for the victims of the late 1980 earthquakes in southern Italy may be charged to appropriations, enacted after those obligations were incurred, for assistance for that purpose under this chapter.".

Approved December 12, 1980.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 126 (1980):
Dec. 1, considered and passed House.
Dec. 3, considered and passed Senate.

Public Law 96-526
96th Congress

An Act

Dec. 15, 1980
[H.R. 7631]

Making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1981, and for other purposes.

Department of Housing and Urban Development—Independent Agencies Appropriation Act, 1981.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1981, and for other purposes, namely:

TITLE I

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Programs

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

The amount of contracts for annual contributions, not otherwise provided for, as authorized by section 5 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437c), and heretofore approved in annual appropriations Acts, is increased by $1,417,400,000 of which $100,000,000 shall be for the modernization of existing low-income housing projects: *Provided,* That budget authority obligated under such contracts shall be increased above amounts heretofore provided in annual appropriations Acts by $30,877,500,000: *Provided further,* That any balances of authorities remaining at the end of fiscal year 1980 shall be added to and merged with the authority provided herein and made subject only to terms and conditions of law applicable to authorizations becoming available in fiscal year 1981.

The limitation otherwise applicable to the maximum payments that may be required by all contracts entered into under section 235 of the National Housing Act, as amended (12 U.S.C. 1715z), is increased by $70,000,000: *Provided,* That $2,100,000,000 of budget authority provided under this head for the previous fiscal year shall be transferred to, merged with, and used for the homeownership assistance program authorized by section 235 of the National Housing Act, as amended (12 U.S.C. 1715z): *Provided further,* That none of the authority provided herein shall be available for the homeownership assistance program authorized by section 207 of the Housing and Community Development Act of 1980 (Public Law 96-399).

Ante, p. 1631.

RENT SUPPLEMENT

(RESCISSION)

The limitation otherwise applicable to the maximum payments that may be required in any fiscal year by all contracts entered into under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s), is reduced in fiscal year 1981 by not more than $30,000,000 in uncommitted balances of authorizations provided for this purpose in Appropriation Acts.

HOUSING PAYMENTS

For the payment of annual contributions, not otherwise provided for, in accordance with section 5 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437c); for payments authorized by title IV of the Housing Act of 1950, as amended (12 U.S.C. 1749 et seq.); for rent supplement payments authorized by section 101 of the Housing and Urban Development Act of 1965, as amended (12 U.S.C. 1701s); and for payments as authorized by sections 235 and 236 of the National Housing Act, as amended (12 U.S.C. 1715z, 1715z-1), $7,127,000,000.

HOUSING FOR THE ELDERLY OR HANDICAPPED FUND

In 1981, $855,000,000 of gross loan commitments may be made under section 202 of the Housing Act of 1959, as amended (12 U.S.C. 1701q), utilizing collections and other resources of the fund authorized by subsection (a)(4) of such section, in accordance with paragraph (C) of such subsection, and up to $65,000,000 of additional gross 1981 loan commitments may be made from prior year commitments cancelled in 1981: *Provided,* That such commitments shall be available only to qualified nonprofit sponsors for the purpose of providing 100 per centum loans for the development of housing for the elderly or handicapped, with any cash equity or other financial commitments imposed as a condition of loan approval to be returned to the sponsor if sustaining occupancy is achieved in a reasonable period of time: *Provided further,* That the full amount shall be available for permanent financing (including construction financing) for housing projects for the elderly or handicapped: *Provided further,* That the Secretary may borrow from the Secretary of the Treasury in such amounts as are necessary to provide the loans authorized herein: *Provided further,* That, notwithstanding any other provision of law, the receipts and disbursements of the aforesaid fund shall be included in the totals of the Budget of the United States Government.

PAYMENTS FOR OPERATION OF LOW-INCOME HOUSING PROJECTS

For payments to public housing agencies for operating subsidies for low-income housing projects as authorized by section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g), $970,800,000.

TROUBLED PROJECTS OPERATING SUBSIDY

For assistance payments to owners of eligible multifamily housing projects insured, or formerly insured, under the National Housing Act, as amended, in the program of operating subsidies for troubled multifamily housing projects under the Housing and Community

42 USC 5301 note.

Development Amendments of 1978, $18,050,000, together with all unobligated balances of excess rental charges and with any collections after September 30, 1980, to remain available until September 30, 1982: *Provided,* That assistance payments to an owner of a multifamily housing project assisted, but not insured, under the National Housing Act may be made if the project owner and the mortgagee have provided or agreed to provide assistance to the project in a manner as determined by the Secretary of Housing and Urban Development.

12 USC 1701.

FEDERAL HOUSING ADMINISTRATION FUND

For payment to cover losses, not otherwise provided for, sustained by the Special Risk Insurance Fund and the General Insurance Fund as authorized by the National Housing Act, as amended (12 U.S.C. 1715z-3(b) and 1735c(f)), $268,640,000, to remain available until expended: *Provided,* That none of the funds in this or any other Act shall be available to cover losses incurred as the result of any employment program not specifically justified at the time the budget was submitted without the prior approval of the Committees on Appropriations: *Provided further,* That during fiscal year 1981, gross obligations of not to exceed $14,040,000 are authorized for payments under section 230(a) of the National Housing Act as amended by section 341 of the Housing and Community Development Act of 1980 (Public Law 96-399), from the insurance fund chargeable for benefits on the mortgage covering the property to which the payments made relate, and payments in connection with such obligations are hereby approved.

Ante, p. 1659.

During 1981, within the resources available, gross obligations for direct loans are authorized in such amounts as may be necessary, to carry out the purposes of the National Housing Act, as amended.

During 1981, additional commitments to guarantee loans to carry out the purposes of the National Housing Act, as amended, shall not exceed $34,154,732,000.

12 USC 1701.

LOW-RENT PUBLIC HOUSING—LOANS AND OTHER EXPENSES

During 1981, within the resources available, gross obligations for direct loans are authorized in such amounts as may be necessary to carry out the purposes of the low-rent public housing loan fund.

During 1981, total commitments to guarantee loans are authorized in such amounts as may be necessary to carry out the purposes of the low-rent public housing loan fund.

NONPROFIT SPONSOR ASSISTANCE

During 1981, within the resources and authority available, gross obligations for the principal amounts of direct loans shall not exceed $2,300,000.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

SPECIAL ASSISTANCE FUNCTIONS FUND

During 1981, within the resources and authority available, gross obligations for the principal amounts of direct loans made pursuant to section 305 of the National Housing Act, as amended (12 U.S.C. 1720), shall not exceed $1,800,000,000, which may be financed with collections received in 1981, and additional obligations are authorized in such amounts as are necessary for increases to prior year commitments.

PAYMENT OF PARTICIPATION SALES INSUFFICIENCIES

For the payment of such insufficiencies as may be required by the Government National Mortgage Association, as trustee, on account of outstanding beneficial interests or participations in assets of the Department of Housing and Urban Development (including the Government National Mortgage Association) authorized by the Independent Offices and Department of Housing and Urban Development Appropriation Act, 1968, to be issued pursuant to section 302(c) of the Federal National Mortgage Association Charter Act, as amended (12 U.S.C. 1717), $4,967,000.

81 Stat. 341.

EMERGENCY MORTGAGE PURCHASE ASSISTANCE

During 1981, within the resources and authority available, gross obligations for the principal amounts of direct loans are authorized in such amounts as are necessary for increases to prior year commitment contracts.

GUARANTEES OF MORTGAGE-BACKED SECURITIES

During 1981, additional commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721g), shall not exceed $53,000,000,000.

Solar Energy and Energy Conservation Bank

ASSISTANCE FOR SOLAR AND CONSERVATION IMPROVEMENTS

(BY TRANSFER)

For financial assistance and other expenses, not otherwise provided for, to carry out the provisions of the Solar Energy and Energy Conservation Bank Act of 1980, which shall be derived by transfer from the "Solar and Conservation Reserve" established pursuant to Public Law 96-126 (93 Stat. 954, 971), $125,000,000, to remain available until September 30, 1982.

Ante, p. 719.

Community Planning and Development

COMMUNITY DEVELOPMENT GRANTS

For grants to States and units of general local government and for related expenses, not otherwise provided for, necessary for carrying out a community development grant program as authorized by title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), $3,770,000,000, to remain available until September 30, 1983: *Provided,* That not to exceed 20 per centum of any grant made pursuant to section 103(a) of title I of the Housing and Community Development Act of 1974, as amended, shall be expended for "Planning and Management Development" and "Administration" as defined in regulations promulgated by the Department of Housing and Urban Development.

Ante, p. 1618.

During 1981, total commitments to guarantee loans, as authorized by section 108 of the aforementioned Act, shall not exceed $250,000,000 of contingent liability for loan principal.

URBAN DEVELOPMENT ACTION GRANTS

For grants pursuant to section 103(c) of title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), $675,000,000, to remain available until September 30, 1983. *Ante*, p. 1618.

CONGREGATE SERVICES PROGRAM

For contracts with and payments to public housing agencies and nonprofit corporations for congregate services programs as authorized by the Congregate Housing Services Act of 1978, $10,000,000, to remain available until September 30, 1984. 42 USC 8001 note.

COMPREHENSIVE PLANNING GRANTS

For grants as authorized by section 701 of the Housing Act of 1954, as amended (40 U.S.C. 461), $33,750,000, to remain available until expended.

REHABILITATION LOAN FUND

For the revolving fund established pursuant to section 312 of the Housing Act of 1964, as amended (42 U.S.C. 1452b), $134,000,000, together with collections, unexpended balances of prior appropriations, and all other amounts in the revolving fund which will be available on or after September 30, 1980, to remain available until expended, for commitments for loans and operating costs.

During 1981, within the resources and authority available, gross amounts administratively committed for the principal amounts of direct loans shall not exceed $186,000,000 in new commitments, in addition to which up to $15,000,000 may also be committed from cancelled prior year commitments.

URBAN HOMESTEADING

Funds provided for Urban Homesteading in the Department of Housing and Urban Development—Independent Agencies Appropriation Act, 1979, may be used for reimbursement to the Administrator of Veterans Affairs and the Secretary of Agriculture for properties conveyed by the Administrator and the Secretary for use in connection with a HUD-approved urban homesteading program as authorized by section 810 of the Housing and Community Development Act of 1974, as amended. 92 Stat. 791. 12 USC 1706e.

URBAN RENEWAL PROGRAMS

During 1981, within the resources available, obligations for direct loans and commitments to guarantee loans are authorized in such amounts as may be necessary in connection with previously approved urban renewal projects.

NEW COMMUNITY DEVELOPMENT CORPORATION

NEW COMMUNITIES FUND

For the redemption of new community debentures and related expenses, authorized by section 713, Housing and Urban Development Act of 1970, as amended (42 U.S.C. 4514), and section 403, Housing and Urban Development Act of 1968, as amended (42 U.S.C.

3902), such sums as may be necessary, to be financed as provided by section 717, Housing and Urban Development Act of 1970, as amended (42 U.S.C. 4518).

NEIGHBORHOODS, VOLUNTARY ASSOCIATIONS AND CONSUMER PROTECTION

HOUSING COUNSELING ASSISTANCE

For contracts, grants, and other assistance, not otherwise provided for, for providing counseling and advice to tenants and homeowners—both current and prospective—with respect to property maintenance, financial management, and such other matters as may be appropriate to assist them in improving their housing conditions and meeting the responsibilities of tenancy or homeownership, including provisions for training and for support of voluntary agencies and services as authorized by section 106(a)(1)(iii) and section 106(a)(2) of the Housing and Urban Development Act of 1968, as amended, $10,000,000. 12 USC 1701x.

NEIGHBORHOOD SELF-HELP DEVELOPMENT PROGRAM

For contracts, grants, and other assistance, not otherwise provided for, to neighborhood organizations as authorized by the Neighborhood Self-Help Development Act of 1978 (42 U.S.C. 8121-8124), $9,000,000, to remain available until September 30, 1982.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970, as amended (12 U.S.C. 1701z-1 et seq.), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, $44,650,000, to remain available until September 30, 1982. 5 USC app.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ASSISTANCE

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended, $5,700,000, to remain available until expended. 42 USC 3601.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary administrative and nonadministrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including not to exceed $3,000 for official reception and representation expenses, $572,609,000, of which $249,513,000 shall be provided from the various funds of the Federal Housing Administration.

ADMINISTRATIVE PROVISION

None of the funds appropriated by this title may be expended to implement final energy conservation performance standards for new residential or commercial buildings.

TITLE II

INDEPENDENT AGENCIES

American Battle Monuments Commission

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; and insurance of official motor vehicles in foreign countries when required by law of such countries; $8,967,000: *Provided*, That where station allowance has been authorized by the Department of the Army for officers of the Army serving the Army at certain foreign stations, the same allowance shall be authorized for officers of the Armed Forces assigned to the Commission while serving at the same foreign stations, and this appropriation is hereby made available for the payment of such allowance: *Provided further*, That when traveling on business of the Commission, officers of the Armed Forces serving as members or as secretary of the Commission may be reimbursed for expenses as provided for civilian members of the Commission: *Provided further*, That the Commission shall reimburse other Government agencies, including the Armed Forces, for salary, pay, and allowances of personnel assigned to it.

36 USC 121b.

36 USC 122.

36 USC 122a.

Consumer Product Safety Commission

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including rent in the District of Columbia, hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18, and not to exceed $500 for official reception and representation expenses, $43,000,000: *Provided*, That the effective date of the safety standard for walk behind power lawnmowers as promulgated in 16 CFR part 1205 is hereby delayed to June 30, 1982: *Provided further*, That funds provided by this appropriation for laboratories shall be available only for the acquisition or conversion of existing laboratories.

5 USC 5332 note.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of maintenance, operation, and improvement of the cemetery at the Soldiers' and Airmen's Home and Arlington National Cemetery, including the purchase of two passenger motor vehicles of which one shall be for replacement only, $5,135,000, to remain available until expended: *Provided,* That reimbursement shall be made to the applicable military appropriation for the pay and allowances of any military personnel performing services primarily for the purposes of this appropriation.

ENVIRONMENTAL PROTECTION AGENCY

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, including hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; and not to exceed $3,000 for official reception and representation expenses; $547,558,000, of which not to exceed $500,000 shall be available for purposes of Resource Recovery and Conservation Panels established under section 2003 of the Resource Conservation and Recovery Act (42 U.S.C. 6913).

5 USC 5332 note.

RESEARCH AND DEVELOPMENT

For research and development activities, $253,520,000, to remain available until September 30, 1982.

ABATEMENT, CONTROL AND COMPLIANCE

For abatement, control and compliance activities, $545,183,000, to remain available until September 30, 1982, of which not to exceed $4,500,000 shall be available for purposes of Resource Recovery and Conservation Panels established under section 2003 of the Resource Conservation and Recovery Act (42 U.S.C. 6913): *Provided,* That notwithstanding any other provision of law, not to exceed $8,000,000 shall be available for support to State, regional, local and interstate agencies in accordance with subtitle D of the Solid Waste Disposal Act, as amended, other than section 4008(a)(2) or 4009.

42 USC 6941, 6948, 6949.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment of facilities of or used by the Environmental Protection Agency, $4,115,000, to remain available until expended.

CONSTRUCTION GRANTS

For necessary expenses to carry out title II of the Federal Water Pollution Control Act, as amended, other than sections 206, 208, and 209, $3,400,000,000, to remain available until expended, and for liquidation of obligations incurred pursuant to authority contained in section 203, $1,700,000,000, to remain available until expended: *Provided*, That none of the funds appropriated in this Act shall be used to enforce, retroactively, any regulation issued under the construction grants program or any project requirements or conditions not in effect at the time the grant for a project is awarded, except as expressly required by law or by executive order: *Provided further*, That advanced wastewater treatment reviews initiated by program review memorandum 79-7 shall be exempt from this requirement.

33 USC 1281.
33 USC 1286, 1288, 1289.
33 USC 1283.

UNITED STATES REGULATORY COUNCIL

For necessary expenses of the United States Regulatory Council, including services as authorized by 5 U.S.C. 3109, $2,500,000.

ADMINISTRATIVE PROVISIONS

The foregoing appropriations shall only be available for the purposes of preparing, reviewing, or approving State Implementation Plans or revisions thereto that comply with section 110(a)(2)(E) of the Clean Air Act, as amended.

42 USC 1857c-5.

Not to exceed 1 per centum of any appropriation made available to the Environmental Protection Agency by this Act (except appropriations for "Construction grants") may be transferred to any other such appropriation prior to March 31, 1981.

EXECUTIVE OFFICE OF THE PRESIDENT

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses of the Council on Environmental Quality and the Office of Environmental Quality, in carrying out their functions under the National Environmental Policy Act of 1969 (Public Law 91-190), the Environmental Quality Improvement Act of 1970 (Public Law 91-224), and Reorganization Plan No. 1 of 1977, including not to exceed $500 for official reception and representation expenses, and hire of passenger motor vehicles, $3,250,000.

42 USC 4321 note.
42 USC 4371 note, 5 USC app.

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, not to exceed $1,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $2,712,000.

Federal Emergency Management Agency

FUNDS APPROPRIATED TO THE PRESIDENT

DISASTER RELIEF

For necessary expenses in carrying out the functions of the Disaster Relief Act of 1970, as amended (42 U.S.C. 4401), and the Disaster Relief Act of 1974, as amended (42 U.S.C. 5202), $375,570,000, to remain available until expended.

42 USC 4401 note.

EMERGENCY PLANNING, PREPAREDNESS AND MOBILIZATION

For necessary expenses, not otherwise provided for, to carry out civil defense and emergency preparedness activities, including activities authorized by section 103 of the National Security Act (50 U.S.C. 404 et seq.), the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98), the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251 et seq.), and the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), $159,017,000, of which not to exceed $39,034,000 shall be available for allocation under section 205 of the Federal Civil Defense Act of 1950, as amended.

50 USC 2286 app.

HAZARD MITIGATION AND DISASTER ASSISTANCE

For necessary expenses, not otherwise provided for, to carry out activities under the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973 (42 U.S.C. 400 et seq.), the Urban Property Protection and Reinsurance Act of 1968, as amended, and the National Insurance Development Act of 1975 (12 U.S.C. 1749 bbb et seq.), the Disaster Relief Act of 1974 (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 278f, 278q, and 2201 et seq.), the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 and 6671) and Reorganization Plan No. 3 of 1978, including not to exceed $500 for official reception and representation expenses, $109,350,000.

42 USC 4001 note.

42 USC 4001 note, 12 USC 1701 note.

12 USC 1701 note.

5 USC app.

NATIONAL FLOOD INSURANCE FUND

For repayment under notes dated April 17, 1979, and September 28, 1979, issued by the Director of the Federal Emergency Management Agency to the Secretary of the Treasury pursuant to section 15(e) of the Federal Flood Insurance Act of 1956, as amended, $575,000,000.

42 USC 2414.

ADMINISTRATIVE PROVISION

Appropriations contained in this Act for the Federal Emergency Management Agency shall be available for hire of motor vehicles, services as authorized by 5 U.S.C. 3109, expenses of attendance of cooperating officials and individuals at meetings concerned with the work of emergency preparedness, and transportation in connection with the continuity of government program to the same extent and in the same manner as permitted the Secretary of a Military Department under 10 U.S.C. 2632.

GENERAL SERVICES ADMINISTRATION

CONSUMER INFORMATION CENTER

For necessary expenses of the Consumer Information Center, including services authorized by 5 U.S.C. 3109, $1,409,000.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF CONSUMER AFFAIRS

For necessary expenses of the Office of Consumer Affairs, including services authorized by 5 U.S.C. 3109, $2,200,000.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

For necessary expenses, not otherwise provided for, including research, development, operations, services, minor construction, maintenance, repair, rehabilitation and modification of real and personal property; tracking and data relay satellite services as authorized by law; purchase, hire, maintenance, and operation of other than administrative aircraft, necessary for the conduct and support of aeronautical and space research and development activities of the National Aeronautics and Space Administration; and including not to exceed (1) $29,000,000 for Space Transportation Systems Upper Stages, (2) $30,900,000 for Space Transportation Systems Operations—Upper Stages, (3) $119,300,000 for the Space Telescope, (4) $39,600,000 for the International Solar Polar Mission, (5) $19,100,000 for the Gamma Ray Observatory, (6) $63,100,000 for Project Galileo, (7) $88,500,000 for Landsat D, (8) $1,873,000,000 for the Space Shuttle, and (9) $149,700,000 for Spacelab, without the approval of the Committees on Appropriations, $4,396,200,000, to remain available until September 30, 1982.

CONSTRUCTION OF FACILITIES

For construction, repair, rehabilitation and modification of facilities, minor construction of new facilities and additions to existing facilities, and for facility planning and design not otherwise provided, for the National Aeronautics and Space Administration, and for the acquisition or condemnation of real property, as authorized by law, $115,000,000, to remain available until September 30, 1983: *Provided*, That, notwithstanding the limitation on the availability of funds appropriated under this head by this appropriation Act, when any activity has been initiated by the incurrence of obligations therefor, the amount available for such activity shall remain available until expended, except that this provision shall not apply to the amounts appropriated pursuant to the authorization for repair, rehabilitation and modification of facilities, minor construction of new facilities and additions to existing facilities, and facility planning and design.

RESEARCH AND PROGRAM MANAGEMENT

For necessary expenses of research in government laboratories, management of programs and other activities of the National Aeronautics and Space Administration, not otherwise provided for, including uniforms or allowances therefor, as authorized by law (5 U.S.C.

5901-5902); awards; purchase (for replacement only, of one aircraft, for which partial payment may be made by exchange of at least one existing administrative aircraft and such other existing aircraft as may be considered appropriate), hire, maintenance and operation of administrative aircraft; purchase (not to exceed thirty-six for replacement only) and hire of passenger motor vehicles; and maintenance and repair of real and personal property, and not in excess of $75,000 per project for construction of new facilities and additions to existing facilities, repairs, and rehabilitation and modification of facilities; $1,030,000,000: *Provided*, That contracts may be entered into under this appropriation for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year: *Provided further*, That not to exceed $25,000 of the foregoing amount shall be available for scientific consultations or extraordinary expense, to be expended upon the approval or authority of the Administrator and his determination shall be final and conclusive.

NATIONAL COMMISSION ON AIR QUALITY

SALARIES AND EXPENSES

For necessary expenses of the National Commission on Air Quality as authorized by the Clean Air Act Amendments of 1977 (42 U.S.C. 7623 and 7626), including services as authorized by 5 U.S.C. 3109, $2,000,000.

NATIONAL CONSUMER COOPERATIVE BANK

SALARIES AND EXPENSES

For necessary administrative expenses and technical assistance of the National Consumer Cooperative Bank, including the Office of Self-Help Development and Technical Assistance, as authorized by sections 112 and 209 of the National Consumer Cooperative Bank Act (12 U.S.C. 3022 and 3049), $8,700,000: *Provided*, That none of these funds shall be used to retire any of the indebtedness of the National Consumer Cooperative Bank.

SELF-HELP DEVELOPMENT

For advances by the Office of Self-Help Development and Technical Assistance as authorized by section 202 of the National Consumer Cooperative Bank Act (12 U.S.C. 3042), $27,000,000, to remain available until September 30, 1982.

During 1981, within the resources and authority available, gross obligations for the amount of direct loans shall not exceed $41,108,000.

NATIONAL CONSUMER COOPERATIVE BANK FUND

During 1981, within the resources available, the principal amount of direct loans outstanding shall not exceed $169,050,000.

During 1981, total commitments to guarantee loans shall not exceed $5,000,000 of contingent liability for loan principal.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

The amount which may be borrowed, from the public or any other source except the Secretary of the Treasury, by the Central Liquidity Facility as authorized by the National Credit Union Central Liquidity Facility Act (12 U.S.C. 1795), shall not exceed $600,000,000: *Provided,* That administrative expenses of the Central Liquidity Facility in fiscal year 1981 shall not exceed $1,936,000.

During 1981, within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed $4,400,000,000.

NATIONAL INSTITUTE OF BUILDING SCIENCES

SALARIES AND EXPENSES

For payment to the National Institute of Building Sciences as authorized by section 809 of the Housing and Community Development Act of 1974, as amended (12 U.S.C. 1701j-2), $625,000.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875), title IX of the National Defense Education Act of 1958 (42 U.S.C. 1876-1879), and the Act to establish a National Medal of Science (42 U.S.C. 1880-1881); services as authorized by 5 U.S.C. 3109; lease of one aircraft with option to purchase; maintenance and operation of aircraft and purchase of flight services for research support; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; not to exceed $57,700,000 for program development and management; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); rental of conference rooms in the District of Columbia; and reimbursement of the General Services Administration for security guard services; $987,900,000, including not more than $6,000,000 for new research opportunities grants for women, to remain available until September 30, 1982: *Provided,* That not more than (1) $115,600,000 shall be available for Engineering and Applied Science, (2) $25,750,000 shall be available for Scientific, Technological, and International Affairs, (3) $28,750,000 shall be available for Cross-Directorate Programs and (4) $5,000,000 shall be available for grants to two-year and four-year colleges for equipment and instrumentation costing $35,000 or less: *Provided further,* That none of these funds shall be available for a new Center for Innovation Development: *Provided further,* That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: *Provided further,* That to the extent that the amount appropriated is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally: *Provided further,* That if an institution of higher education receiving funds hereunder determines after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has, after the date of enactment of this Act, willfully refused to obey a lawful regulation or order of such institution and that such refusal was of a serious nature and contributed to the disruption of the administration of such institution, then the institution shall deny any further payment to, or for the benefit of, such individual.

SCIENCE EDUCATION ACTIVITIES

For necessary expenses in carrying out science education programs and activities pursuant to the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including award of graduate fellowships, services as authorized by 5 U.S.C. 3109, and rental of conference rooms in the District of Columbia, $83,200,000: *Provided*, That to the extent that the amount of this appropriation is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally.

SCIENTIFIC ACTIVITIES OVERSEAS (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for scientific activities, as authorized by law, $5,000,000, to remain available until September 30, 1982: *Provided*, That this appropriation shall be available in addition to other appropriations to the National Science Foundation, for payments in the foregoing currencies.

Neighborhood Reinvestment Corporation

SALARIES AND EXPENSES

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $12,713,000.

Selective Service System

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by law (5 U.S.C. 4101–4118) for civilian employees; and not to exceed $500 for official reception and representation expenses; $27,137,000: *Provided*, That during the current fiscal year, the President may exempt this appropriation from the provisions of subsection (c) of section 3679 of the Revised Statutes, as amended, whenever he deems such action to be necessary in the interest of national defense: *Provided further*, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

31 USC 665.

DEPARTMENT OF THE TREASURY

PAYMENTS TO STATE AND LOCAL GOVERNMENT FISCAL ASSISTANCE TRUST FUND

For payments to the State and Local Government Fiscal Assistance Trust Fund, as authorized by the State and Local Fiscal Assistance Act of 1972, as amended (31 U.S.C. 1221-1263), $4,569,949,000.

OFFICE OF REVENUE SHARING, SALARIES AND EXPENSES

For necessary expenses in the Office of Revenue Sharing, including the hire of passenger motor vehicles, $6,518,000.

NEW YORK CITY LOAN GUARANTEE PROGRAM

For necessary administrative expenses as authorized by the New York City Loan Guarantee Act of 1978 (Public Law 95-415), $922,000.

31 USC 1521 note.

Total commitments to guarantee loans through June 30, 1982, shall not exceed $900,000,000 of contingent liability for loan principal.

INVESTMENT IN NATIONAL CONSUMER COOPERATIVE BANK

For the purchase of class A stock issued by the National Consumer Cooperative Bank as authorized by section 104 of the National Consumer Cooperative Bank Act (12 U.S.C. 3014), $89,000,000, to remain available until September 30, 1982.

VETERANS ADMINISTRATION

COMPENSATION AND PENSIONS

For the payment of compensation, pensions, gratuities, and allowances, including burial awards, plot allowances, burial flags, headstones and grave markers, emergency and other officers' retirement pay, adjusted-service credits and certificates, and other benefits as authorized by law; and for payment of premiums due on commercial life insurance policies guaranteed under the provisions of article IV of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, $11,602,000,000, to remain available until expended.

50 USC 540 app.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 21, 31, 32, 34-36, 39, and 51-61), $1,822,308,000, to remain available until expended.

38 USC 801 *et seq.*, 1501 *et seq.*, 1601 *et seq.*, 1651-1770 *et seq.*, 1901 *et seq.*, 3001-3501 *et seq.*

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, and service-disabled veterans insurance, as authorized by law (38 U.S.C. chapter 19, 70 Stat. 887, 72 Stat. 487), $1,360,000, to remain available until expended.

38 USC 701 *et seq.*

During 1981, within the resources available, gross obligations for direct loans are authorized in such amounts as may be necessary to carry out the purposes of the "Veterans insurance and indemnities fund".

MEDICAL CARE

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Veterans Administration, including care and treatment in facilities not under the jurisdiction of the Veterans Administration, and furnishing recreational facilities, supplies and equipment; funeral, burial and other expenses incidental thereto for beneficiaries receiving care in Veterans Administration facilities; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the Veterans Administration, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); and aid to State homes as authorized by law (38 U.S.C. 641); $6,020,013,000 plus reimbursements.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development, as authorized by law, to remain available until September 30, 1982, $132,153,000, plus reimbursements.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

For necessary expenses in the administration of the medical, hospital, domiciliary, construction and supply, research, employee education and training activities, as authorized by law, and for carrying out the provisions of section 5055, title 38, United States Code, relating to pilot programs and grants for exchange of medical information, $51,218,000, plus reimbursements.

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Veterans Administration, not otherwise provided for, including uniforms or allowance therefor, as authorized by law; not to exceed $3,000 for official reception and representation expenses; cemeterial expenses as authorized by law, purchase of nine passenger motor vehicles, for use in cemeterial operations, and hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail; $627,592,000.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending and improving any of the facilities under the jurisdiction or for the use of the Veterans Administration, or for any of the purposes set forth in sections 1004, 1006, 5002, 5003, 5006, 5008, 5009, and 5010 of title 38, United States Code, including planning, architectural and engineering services, and site acquisition, where the estimated cost of a project is $2,000,000 or more or where funds for a project were made available in a previous major project appropriation, $423,774,000, of which $409,534,000 shall remain available until expended and $14,240,000 shall be for construction of replacement facilities at Little Rock, Arkansas, and shall remain available until April 30, 1981: *Provided,* That, except for advance planning of projects funded through the Advance Planning Fund, none of these funds shall be used for any project which has not been considered and approved by the Congress in the budgetary process.

For settlement of a contractor's claim involving the Veterans Administration Medical Center, Boston, Massachusetts, from existing balances, $1,150,000.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities under the jurisdiction or for the use of the Veterans Administration, including planning, architectural and engineering services, and site acquisition, or for any of the purposes set forth in sections 1004, 1006, 5002, 5003, 5006, 5008, 5009, and 5010 of title 38, United States Code, where the estimated cost of a project is less than $2,000,000, $108,908,000, to remain available until expended: *Provided*, That not more than $26,344,000 shall be available for expenses of the Office of Construction.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED FACILITIES

For grants to assist the several States to construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans, as authorized by law (38 U.S.C. 5031–5037), $15,000,000, to remain available until September 30, 1983.

GRANTS FOR THE CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to aid States in establishing, expanding or improving State veterans' cemeteries as authorized by law (Public Law 95-476, section 202), $5,000,000, to remain available until September 30, 1983.

38 USC 903, 1008.

GRANTS TO THE REPUBLIC OF THE PHILIPPINES

For payment to the Republic of the Philippines of grants as authorized by law (38 U.S.C. 631–634), $1,200,000, of which $50,000 for hospital equipment, plant, and facilities rehabilitation grants shall remain available until expended.

LOAN GUARANTY REVOLVING FUND

38 USC 1801 *et seq.*
38 USC 1824.

During 1981, the Loan guaranty revolving fund shall be available for expenses for property acquisitions, payment of participation sales insufficiencies, and other loan guaranty and insurance operations, as authorized by law (38 U.S.C. chapter 37, except administrative expenses, as authorized by section 1824 of such title): *Provided*, That the unobligated balances including retained earnings of the Direct loan revolving fund shall be available, during 1981, for transfer to the Loan guaranty revolving fund in such amounts as may be necessary to provide for the timely payment of obligations of such fund and the Administrator of Veterans Affairs shall not be required to pay interest on amounts so transferred after the time of such transfer.

During 1981, within the resources available, gross obligations for direct loans and total commitments to guarantee loans are authorized in such amounts as may be necessary to carry out the purposes of the "Loan guaranty revolving fund".

DIRECT LOAN REVOLVING FUND

During 1981, within the resources available, gross obligations for direct loans are authorized only for specially adapted housing loans and obligations for such loans shall not exceed $1,000,000 (38 U.S.C. chapter 37).

38 USC 1801 *et seq.*

SERVICE-DISABLED VETERANS INSURANCE FUND

During 1981, within the resources available, gross obligations for direct loans are authorized in such amounts as may be necessary to carry out the purposes of the "Service-disabled veterans insurance fund" (38 U.S.C. chapter 19).

38 USC 701 *et seq.*

VETERANS REOPENED INSURANCE FUND

During 1981, within the resources available, gross obligations for direct loans are authorized in such amounts as may be necessary to carry out the purposes of the "Veterans reopened insurance fund" (38 U.S.C. chapter 19).

EDUCATION LOAN FUND

During 1981, within the resources available, gross obligations for direct loans are authorized in such amounts as may be necessary to carry out the purposes of the "Education loan fund" (38 U.S.C. chapters 32, 34, 35 and 36).

38 USC 1601 *et seq*, 1651 *et seq.*, 1700 *et seq.*, 1770 *et seq.*

VOCATIONAL REHABILITATION REVOLVING FUND

During 1981, within the resources available, gross obligations for direct loans are authorized in such amounts as may be necessary to carry out the purposes of the "Vocational rehabilitation revolving fund" (38 U.S.C. chapter 31).

38 USC 1501 *et seq.*

NATIONAL SERVICE LIFE INSURANCE FUND

During 1981, within the resources available, gross obligations for direct loans are authorized in such amounts as may be necessary to carry out the purposes of the "National service life insurance fund" (38 U.S.C. chapter 19).

38 USC 701 *et seq.*

UNITED STATES GOVERNMENT LIFE INSURANCE FUND

During 1981, within the resources available, gross obligations for direct loans are authorized in such amounts as may be necessary to carry out the purposes of the "United States Government life insurance fund" (38 U.S.C. chapter 19).

VETERANS SPECIAL LIFE INSURANCE FUND

During 1981, within the resources available, gross obligations for direct loans are authorized in such amounts as may be necessary to carry out the purposes of the "Veterans special life insurance fund" (38 U.S.C. chapter 19).

ADMINISTRATIVE PROVISIONS

Not to exceed 5 per centum of any appropriation for 1981 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred to any other of the mentioned appropriations, but not to exceed 10 per centum of the appropriations so augmented.

Appropriations available to the Veterans Administration for 1981 for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

No part of the appropriations in this Act for the Veterans Administration (except the appropriations for "Construction, major projects" and "Construction, minor projects") shall be available for the purchase of any site for or toward the construction of any new hospital or home.

No part of the foregoing appropriations shall be available for hospitalization or examination of any persons except beneficiaries entitled under the laws bestowing such benefits to veterans, unless reimbursement of cost is made to the appropriation at such rates as may be fixed by the Administrator of Veterans Affairs.

TITLE III

CORPORATIONS

Corporations and agencies of the Department of Housing and Urban Development and the Federal Home Loan Bank Board which are subject to the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Act as may be necessary in carrying out the programs set forth in the budget for 1981 for such corporation or agency except as hereinafter provided: *Provided*, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriation Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

31 USC 841 note.

31 USC 849.

Federal Home Loan Bank Board

LIMITATION ON ADMINISTRATIVE AND NONADMINISTRATIVE EXPENSES, FEDERAL HOME LOAN BANK BOARD

Not to exceed a total of $53,135,000 shall be available for expenses of the Federal Home Loan Bank Board, which amount shall include nonadministrative expenses for the examination and supervision of Federal and State-chartered institutions in an amount not to exceed $33,105,000, and administrative expenses in an amount not to exceed $20,030,000, and said total amount shall be available for procurement of services as authorized by 5 U.S.C. 3109, and contracts for such services with one organization may be renewed annually, and uniforms or allowances therefor in accordance with law (5 U.S.C. 5901–5902), and said amount shall be derived from funds available to the Federal Home Loan Bank Board, including those in the Federal Home Loan Bank Board revolving fund and receipts of the Board for the current fiscal year and prior fiscal years, and the Board may utilize and may make payment for services and facilities of the Federal home loan banks, the Federal Reserve Banks, the Federal

Savings and Loan Insurance Corporation, the Federal Home Loan Mortgage Corporation, and other agencies of the Government (including payment for office space): *Provided,* That expenses for special examinations of Federal and State-chartered institutions determined by the Board to be necessary, all necessary expenses in connection with the conservatorship or liquidation of institutions insured by the Federal Savings and Loan Insurance Corporation, liquidation or handling of assets of or derived from such insured institutions, payment of insurance, and action for or toward the avoidance, termination, or minimizing of losses in the case of such insured institutions, or activities relating to section 5A(f) or 6(i) of the Federal Home Loan Bank Act, section 5(d) of the Home Owners' Loan Act of 1933, section 12(i) of the Securities Exchange Act of 1934, or section 406(c), 407, or 408 of the National Housing Act and all necessary expenses (including services performed on a contract or fee basis, but not including other personal services) in connection with the handling, including the purchase, sale, and exchange, of securities on behalf of Federal home loan banks, and the sale, issuance, and retirement of, or payment of interest on, debentures or bonds, under the Federal Home Loan Bank Act, as amended, shall be excluded from the above limitations: *Provided further,* That members and alternates of the Federal Savings and Loan Advisory Council shall be entitled to reimbursement from the Board as approved by the Board for transportation expenses incurred in attendance at meetings of or concerned with the work of such Council and may be paid in lieu of subsistence per diem not to exceed the dollar amount set forth in 5 U.S.C. 5703: *Provided further,* That not to exceed $1,500 shall be available for official reception and representation expenses: *Provided further,* That, notwithstanding any other provisions of this Act, except for the limitation in amount hereinbefore specified, the expenses and other obligations of the Board shall be incurred, allowed, and paid in accordance with the provisions of the Federal Home Loan Bank Act of July 22, 1932, as amended (12 U.S.C. 1421-1449).

12 USC 1425a, 1426.
12 USC 1464, 15 USC 78*l*.
12 USC 1729-1730a.

12 USC 1428a note.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Not to exceed $1,000,000 shall be available for administrative expenses, which shall be on an accrual basis and shall be exclusive of interest paid, depreciation, properly capitalized expenditures, expenses in connection with liquidation of insured institutions or activities relating to section 406(c), 407, or 408 of the National Housing Act, liquidation or handling of assets of or derived from insured institutions, payment of insurance, and action for or toward the avoidance, termination, or minimizing of losses in the case of insured institutions, legal fees and expenses and payments for expenses of the Federal Home Loan Bank Board determined by said Board to be properly allocable to said Corporation, and said Corporation may utilize and may make payments for services and facilities of the Federal home loan banks, the Federal Reserve Banks, the Federal Home Loan Bank Board, the Federal Home Loan Mortgage Corporation, and other agencies of the Government: *Provided,* That, notwithstanding any other provisions of this Act, except for the limitation in amount hereinbefore specified, the administrative expenses and other obligations of said Corporation shall be incurred, allowed, and paid in accordance with title IV of the Act of June 27, 1934, as amended (12 U.S.C. 1724-1730f).

12 USC 1729-1730a.

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION FUND

During 1981, within the resources available, gross obligations for direct loans are authorized in such amounts as may be necessary to carry out the purpose of 12 U.S.C. 1729(f).

TITLE IV

GENERAL PROVISIONS

Travel expenses.
Ante, pp. 3044, 3050.

42 USC 5121 note.

Sec. 401. Where appropriations in titles I and II of this Act are expendable for travel expenses and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amounts set forth therefor in the budget estimates submitted for the appropriations: *Provided*, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Veterans Administration; to travel performed in connection with major disasters or emergencies declared or determined by the President under the provisions of the Disaster Relief Act of 1974; or to payments to interagency motor pools where separately set forth in the budget schedules: *Provided further*, That the limitations may be increased by the Secretary when necessary to allow for travel performed by employees of the Department of Housing and Urban Development as a result of increased Federal Housing Administration inspection and appraisal workload.

Sec. 402. Appropriations and funds available for the administrative expenses of the Department of Housing and Urban Development and the Selective Service System shall be available in the current fiscal year for purchase of uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109.

Legal services.
31 USC 841 note.
12 USC 1749a.

Sec. 403. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal home loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811-1831).

Sec. 404. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unles expressly so provided herein.

Sec. 405. No funds appropriated by this Act may be expended—

(1) pursuant to a certification of an officer or employee of th United States unless—

(A) such certification is accompanied by, or is part of, voucher or abstract which describes the payee or payees an the items or services for which such expenditure is bein made, or

(B) the expenditure of funds pursuant to such certificatio and without such a voucher or abstract, is specificall authorized by law; and

(2) unless such expenditure is subject to audit by the General Accounting Office or is specifically exempt by law from such an audit.

Certain government transportation, prohibition.

SEC. 406. None of the funds provided in this Act to any department or agency may be expended for the transportation of any officer or employee of such department or agency between his domicile and his place of employment, with the exception of the Secretary of the Department of Housing and Urban Development, who, under title 5, United States Code, section 101, is exempted from such limitations.

Research projects.

SEC. 407. None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals not specifically solicited by the Government: *Provided*, That the extent of cost sharing by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research.

SEC. 408. None of the funds provided in this Act may be used, directly or through grants, to pay or to provide reimbursement for payment of the salary of a consultant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the maximum rate paid for GS-18, unless specifically authorized by law.

5 USC 5332 note.

SEC. 409. No part of any appropriation contained in this Act for personnel compensation and benefits shall be available for other object classifications set forth in the budget estimates submitted for the appropriations without the approval of the Committees on Appropriations.

SEC. 410. None of the funds in this Act shall be used to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings. Nothing herein affects the authority of the Consumer Product Safety Commission pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056 et seq.).

Consulting service contracts. Public record, availability.

SEC. 411. Except as otherwise provided under existing law or under an existing Executive order issued pursuant to an existing law, the obligation or expenditure of any appropriation under this Act for contracts for any consulting service shall be limited to contracts which are (1) a matter of public record and available for public inspection, and (2) thereafter included in a publicly available list of all contracts entered into within twenty-four months prior to the date on which the list is made available to the public and of all contracts on which performance has not been completed by such date. The list required by the preceding sentence shall be updated quarterly and shall include a narrative description of the work to be performed under each such contract.

SEC. 412. Notwithstanding any other provision of this Act, the total budget authority provided by this Act for payments not required by law shall be reduced by 2 per centum: *Provided*, That of the amount provided in this Act for each appropriation account, activity, and project for payments not required by law, the amount reduced shall not exceed 3 per centum: *Provided further*, That this section shall not apply to budget authority provided by this Act for the Veterans Administration.

SEC. 413. Except as otherwise provided by law, no part of any appropriation contained in this Act shall be obligated or expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) for a contract for services unless such executive agency (1) has awarded and entered into such contract in full compliance with such Act and the regulations promulgated thereunder and (2) requires any report prepared pursuant to such contract, including plans, evaluations, studies, analyses and manuals, and any report prepared by the agency which is substantially derived from or substantially includes any report prepared pursuant to such contract, to contain information concerning (A) the contract pursuant to which the report was prepared and (B) the contractor who prepared the report pursuant to such contract.

SEC. 414. (a) No appropriations made available in this Act shall be obligated in a manner that would cause obligations from the total budget authority available to any department or establishment, as defined in section 2 of the Budget and Accounting Act 1921, or any major administrative subdivision thereof, during the fiscal year ending September 30, 1981, to exceed 30 per centum for the last quarter of such fiscal year or 15 per centum for any month in the last quarter of such fiscal year. The Director of the Office of Management and Budget may waive the requirements of the preceding sentence with respect to any program or activity if the Director determines in writing that the waiver is necessary to avoid a serious disruption in carrying out such program or activity.

31 USC 2.

Report submittal.

(b) Not later than forty-five days after the end of each quarter of the fiscal year, the head of each department and establishment shall submit a report to the Committees on Appropriations and to the Director of the Office of Management and Budget, specifying the amount of obligations incurred during the quarter and the percentage of total available budget authority for the fiscal year which the obligations constitute.

(c) The Director of the Office of Management and Budget shall keep the Committees on Appropriations fully informed of actions taken to carry out the requirements of this section, including any waivers granted, and shall promptly report in writing any situation in which the obligations of any department and establishment exceed such requirements other than pursuant to a waiver. Not later than December 31, 1981, the Director shall submit a report to the Committees on Appropriations on the results of the requirements of this section and actions taken under this section, including the effects upon procurement and apportionment processes, together with any recommendations the Director considers appropriate. Concurrent with the submittal of the report to the Committees on Appropriations under the preceding sentence, the Director shall submit a copy of such report to the Comptroller General, who shall promptly review that report and submit to the Committees on Appropriations an analysis of the report and any recommendations which the Comptroller General considers appropriate.

Report to congressional committees.

Report to Comptroller General. Review.

Audits.

SEC. 415. All unresolved audits currently pending within agencies and departments, for which appropriations are made under this Act, shall be resolved not later than September 30, 1981. Any new audits, involving questioned expenditures, arising after the enactment of this Act shall be resolved within six months of completing the initial audit report.

Debt collection.

SEC. 416. Each department and agency for which appropriations are made under this Act shall take immediate action (1) to improve the collection of overdue debts owed to the United States within the jurisdiction of that department or agency; (2) to bill interest on delinquent debts as required by the Federal Claims Collection Standards; and (3) to reduce amounts of such debts written off as uncollectible.

OUTLAY SCHEDULES AND REPORTS

Submittal to congressional committees.

SEC. 417. Departments and independent agencies receiving appropriations in excess of $50,000,000 under this Act shall, within thirty days following enactment, submit to the Committees on Appropriations of the two Houses of Congress a schedule of anticipated outlays for each month of the fiscal year beginning October 1, 1980. These departments and agencies shall also submit to the Appropriations Committees, within thirty days after the end of each calendar quarter, reports showing actual outlays for the preceding quarter and any necessary changes in the schedule of outlays originally submitted. In the event a department or agency determines that its total outlays during the fiscal year will vary by more than 1 per centum from the total projected in its original schedule, it shall immediately submit to the Committee on Appropriations of the two Houses a revised schedule. Unless disapproved by both of the Appropriations Committees within fifteen legislative days after submission, the department or agency may implement the revised outlay schedule. Departments and independent agencies shall submit copies of the outlay schedules and reports required herein to the Congressional Budget Office concurrently with their submission to the House and Senate Committees on Appropriations. The Congressional Budget Office shall analyze these schedules and reports and assess their implications for Congressional budget and appropriations policies and submit the results of its analyses on a timely basis to the Committees on Appropriations and Budgets of the two Houses of Congress.

Schedule implementation.

Submittal to congressional committees.

Report analysis.

SEC. 418. Notwithstanding any other provision of this Act, any amount appropriated by this Act for the fiscal year ending September 30, 1981, for any department, agency, or instrumentality of the United States Government, which is available to pay for or conduct advertising or public relations activities is reduced by 10 per centum: *Provided*, That this section shall not apply to funds provided for the Veterans Administration.

Short title.

This Act may be cited as the "Department of Housing and Urban Development—Independent Agencies Appropriation Act, 1981".

Approved December 15, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-1114 (Comm. on Appropriations) and No. 96-1476 (Comm. of Conference).
SENATE REPORT No. 96-926 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 126 (1980):
- July 24, 25, 28, considered and passed House.
- Sept. 15-19, 22, 23, considered and passed Senate, amended.
- Dec. 2, House agreed to conference report; receded from its disagreement and concurred in certain Senate amendments and in others with amendments.
- Dec. 3, Senate agreed to conference report and concurred in House amendments.

Public Law 96-527
96th Congress

An Act

Dec. 15, 1980
[H.R. 8105]

Making appropriations for the Department of Defense for the fiscal year ending September 30, 1981, and for other purposes.

Department of Defense Appropriation Act, 1981.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1981, for military functions administered by the Department of Defense, and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

Military Personnel, Army

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; $11,060,468,000.

Military Personnel, Navy

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; $7,857,423,000.

Military Personnel, Marine Corps

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); $2,350,086,000.

Military Personnel, Air Force

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; $8,976,309,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 265, 3019, and 3033 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; $789,150,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Naval Reserve on active duty under section 265 of title 10, United States Code, or personnel while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; $302,003,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 265 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; $102,767,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 265, 8019, and 8033 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Air Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; $258,974,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under sections 265, 3033, or 3496 of title 10 or section 708 of title 32, United States Code, or while serving on active duty under section

672(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; $1,035,997,000.

National Guard Personnel, Air Force

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under sections 265, 8033, or 8496 of title 10 or section 708 of title 32, United States Code, or while serving on active duty under section 672(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; $341,172,000.

TITLE II

RETIRED MILITARY PERSONNEL

Retired Pay, Defense

For retired pay and retirement pay, as authorized by law, of military personnel on the retired lists of the Army, Navy, Marine Corps, and Air Force, including the reserve components thereof, retainer pay for personnel of the Inactive Fleet Reserve, and payments under section 4 of Public Law 92-425 and chapter 73 of title 10, United States Code; $13,887,800,000.

10 USC 1448 note.
10 USC 1431 *et seq.*

TITLE III

OPERATION AND MAINTENANCE

Operation and Maintenance, Army

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $3,965,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes; $12,302,784,000, and in addition, $5,000,000, which shall be derived by transfer from "Army Stock Fund", of which not less than $641,500,000 shall be available only for the maintenance of real property facilities.

Operation and Maintenance, Navy

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $1,555,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes; $16,735,394,000, and in addition, $135,500,000, of which $13,700,000 shall be derived by transfer from "Aircraft procurement, Navy, 1980/1982"; $86,400,000 shall be derived by transfer from the subdivision "FFG-7 guided missile frigate program" of "Shipbuilding and conversion, Navy, 1980/1984"; $21,500,000 shall be derived by transfer from "Other procurement, Navy, 1980/1982"; $6,900,000 shall be derived by transfer from "Research, development, test, and evaluation, Navy, 1980/1981"; and $7,000,000 shall be derived by transfer from "Navy Stock Fund", of which not less than $547,300,000 shall be available only for the maintenance of real property facilities: *Provided*, That of the total amount of this appropriation made available for the alteration, overhaul, and repair of naval vessels, not more than $2,600,000,000 shall be available for the performance of such work in Navy shipyards: *Provided further*, That not less than $3,745,700,000 of this appropriation shall be available only for regularly scheduled ship overhauls, restricted availabilities and expenses associated with the installation of equipment, improvements, and modifications scheduled to be accomplished concurrently during an overhaul or restricted availability of which not less than $24,000,000 shall be available for such work at the Ship Repair Facilities, Guam: *Provided further*, That such amounts of the funds available for work only at the Ship Repair Facilities, Guam, may be used for work in other Navy shipyards in amounts equal to the amount of work placed at the Ship Repair Facilities, Guam, funded from other sources.

Navy Stock Fund

For the Navy stock fund, $309,000.

Operation and Maintenance, Marine Corps

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law; $994,200,000, and in addition, $9,700,000 of which $8,700,000, which shall be derived by transfer from "Procurement, Marine Corps, 1980/1982"; and $1,000,000 shall be derived by transfer from "Marine Corps Stock Fund", of which not less than $149,800,000 shall be available only for the maintenance of real property facilities.

Marine Corps Stock Fund

For the Marine Corps stock fund, $4,108,000.

Operation and Maintenance, Air Force

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $3,787,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes; $13,555,046,000, and in addition, $56,000,000, of which $39,600,000 shall be derived by transfer from "Research, development, test, and evaluation, Air Force, 1980/1981"; $9,400,000 shall be derived by transfer from "Aircraft procurement, Air Force, 1980/1982"; and $7,000,000 shall be derived by transfer from "Air Force Stock Fund", of which not less than $832,300,000 shall be available only for the maintenance of real property facilities.

AIR FORCE STOCK FUND

For the Air Force stock fund, $28,300,000.

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law; $4,056,793,000, and in addition, $20,000,000, which shall be derived by transfer from "Defense Stock Fund": *Provided,* That not to exceed $4,854,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: *Provided further,* That not less than $68,100,000 of the total amount of this appropriation shall be available only for the maintenance of real property facilities.

DEFENSE STOCK FUND

For the Defense stock fund, $35,000,000.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $488,393,000, of which not less than $27,400,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $531,435,000, of which not less than $19,200,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $28,854,000, of which not less than $1,800,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $558,680,000, of which not less than $13,500,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft); $890,820,000, of which not less than $21,300,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including repair of facilities, maintenance, operation, and modification of aircraft; transportation of things; hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard regulations when specifically authorized by the Chief, National Guard Bureau; $1,419,607,000, of which not less than $28,400,000 shall be available only for the maintenance of real property facilities.

NATIONAL BOARD FOR THE PROMOTION OF RIFLE PRACTICE, ARMY

For the necessary expenses, in accordance with law, for construction, equipment, and maintenance of rifle ranges; the instruction of citizens in marksmanship; the promotion of rifle practice; and the travel of rifle teams, military personnel, and individuals attending regional, national, and international competitions; $825,000, of which not to exceed $7,500 shall be available for incidental expenses of the National Board; and from other funds provided in this Act, not to exceed $340,000 worth of ammunition may be issued under authority of title 10, United States Code, section 4311: *Provided,* That competitors at national matches under title 10, United States Code, section 4312, may be paid subsistence and travel allowances in excess of the amounts provided under title 10, United States Code, section 4313.

Claims, Defense

For payment, not otherwise provided for, of claims authorized by law to be paid by the Department of Defense (except for civil functions), including claims for damages arising under training contracts with carriers, and repayment of amounts determined by the Secretary concerned, or officers designated by him, to have been erroneously collected from military and civilian personnel of the Department of Defense, or from States, territories, or the District of Columbia, or members of the National Guard units thereof; $135,850,000.

Court of Military Appeals, Defense

For salaries and expenses necessary for the United States Court of Military Appeals; $2,197,000, and not to exceed $1,500 can be used for official representation purposes and, in addition, $68,000 for "Court of Military Appeals, Defense, 1976" for the liquidation of obligations incurred for fiscal year 1976.

TITLE IV

PROCUREMENT

Aircraft Procurement, Army

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, without regard to section 4774, title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $1,076,400,000, to remain available for obligation until September 30, 1983.

40 USC 255.

Missile Procurement, Army

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, without regard to section 4774, title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $1,519,800,000, to remain available for obligation until September 30, 1983.

40 USC 255.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, without regard to section 4774, title 10, United States Code, for the foregoing purposes, and such lands and interests therein may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $2,582,200,000, to remain available for obligation until September 30, 1983.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized in military construction authorization Acts or authorized by section 2673, title 10, United States Code, and the land necessary therefor, without regard to section 4774, title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $1,531,000,000, to remain available for obligation until September 30, 1983.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and nontracked combat vehicles; the purchase of not to exceed one thousand and eighty-four passenger motor vehicles for replacement only; communications and electronic equipment; other support equipment; spare parts, ordnance and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, without regard to section 4774, title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $2,223,658,000, to remain available for obligation until September 30, 1983.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $6,110,707,000, to remain available for obligation until September 30, 1983. 40 USC 255.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $2,766,029,000, to remain available for obligation until September 30, 1983.

SHIPBUILDING AND CONVERSION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended, as follows: for the Trident submarine program, $1,088,200,000; for the T-AK FBM resupply ship conversion program, $45,300,000; for the SSN-688 nuclear attack submarine program, $991,700,000; for the aircraft carrier service life extension program, $501,400,000; for the CG-47 AEGIS cruiser program, $1,759,500,000; for the LSD-41 landing ship dock program, $387,700,000; for the FFG-7 guided missile frigate program, $1,510,000,000; for the T-AGOS SURTASS ship program, $180,800,000; for the ARS salvage ship program, $93,000,000; for the maritime prepositioning ship programs, $318,000,000, of which not to exceed $33,000,000 shall be for the T-AKX ship program, and for the roll-on/roll-off prepositioning ship program and the SL-7 cargo ship program, $285,000,000; for craft, outfitting, post delivery, cost growth, and escalation on prior year programs, $580,100,000; and in addition, $27,900,000 which shall be derived by transfer from the "CGN-42 class nuclear-powered cruiser program" of "Shipbuilding and Conversion, Navy, 1978/1982"; in all: $7,455,700,000, and in addition, $27,900,000 to be derived by transfer, to remain available for obligation until September 30, 1985: *Provided*, That none of the funds herein provided for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign shipyards for the construction of major components of the hull or superstructure of such vessel: *Provided further*, That none of the funds herein provided shall be used for the construction of any naval vessel in foreign shipyards.

Other Procurement, Navy

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance and ammunition (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of not to exceed one hundred and seventy-seven passenger motor vehicles for replacement only; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $3,037,657,000, to remain available for obligation until September 30, 1983.

40 USC 255.

Procurement, Marine Corps

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, ammunition, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and vehicles for the Marine Corps, including purchase of not to exceed eighty-nine passenger motor vehicles for replacement only; $486,813,000, to remain available for obligation until September 30, 1983.

Aircraft Procurement, Air Force

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land without regard to section 9774 of title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to the approval of title as required by section 355, Revised Statutes, as amended; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; $9,674,143,000, of which $382,044,000 shall be available for contribution of the United States share of the cost of the acquisition by the North Atlantic Treaty Organization of an Airborne Early Warning and Control System (AWACS) and, in addition, the Department of Defense may make a commitment to the North Atlantic Treaty Organization to assume the United States share of contingent liability in connection with the NATO E-3A Cooperative Programme, to remain available for obligation until September 30, 1983.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land without regard to section 9774 of title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired and construction prosecuted thereon prior to the approval of title as required by section 355, Revised Statutes, as amended; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; $3,140,917,000, to remain available for obligation until September 30, 1983.

40 USC 255.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed four hundred and one passenger motor vehicles for replacement only; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land without regard to section 9774 of title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to the approval of title as required by section 355, Revised Statutes, as amended; reserve plant and Government and contractor-owned equipment layaway; $2,999,372,000, to remain available for obligation until September 30, 1983.

PROCUREMENT, DEFENSE AGENCIES

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed two hundred and seventy-six passenger motor vehicles for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to the approval of title as required by section 355, Revised Statutes, as amended; reserve plant and Government and contractor-owned equipment layaway; $305,028,000, to remain available for obligation until September 30, 1983.

TITLE V

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test, and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $3,086,757,000, to remain available for obligation until September 30, 1982.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for basic and applied scientific research, development, test, and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $4,861,160,000, and in addition, $6,052,000 of which $4,086,000 shall be derived by transfer from "Research, Development, Test, and Evaluation, Navy, 1979/1980", and $1,966,000 shall be derived by transfer from "Research, Development, Test, and Evaluation, Navy, 1980/1981", to remain available for obligation until September 30, 1982.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test, and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $6,774,011,000, to remain available for obligation until September 30, 1982.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE AGENCIES

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test, and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $1,254,602,000, to remain available for obligation until September 30, 1982: *Provided,* That such amounts as may be determined by the Secretary of Defense to have been made available in other appropriations available to the Department of Defense during the current fiscal year for programs related to advanced research may be transferred to and merged with this appropriation to be available for the same purposes and time period: *Provided further,* That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to carry out the purposes of advanced research to those appropriations for military functions under the Department of Defense which are being utilized for related programs to be merged with and to be available for the same time period as the appropriation to which transferred.

Funds, transfer and merger.

DIRECTOR OF TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, of independent activities of the Director of Defense Test and Evaluation in the direction and supervision of test and evaluation, including initial operational testing and evaluation; and performance of joint testing and evaluation; and administrative expenses in connection therewith; $42,100,000, to remain available for obligation until September 30, 1982.

TITLE VI

SPECIAL FOREIGN CURRENCY PROGRAM

For payment in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States for expenses in carrying out programs of the Department of Defense, as authorized by law; $2,760,000, to remain available for obligation until September 30, 1982: *Provided*, That this appropriation shall be available in addition to other appropriations to such Department, for payments in the foregoing currencies.

TITLE VII

GENERAL PROVISIONS

Consulting services.

SEC. 701. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

Publicity or propaganda.

SEC. 702. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

Experts and consultants.

SEC. 703. During the current fiscal year, the Secretary of Defense and the Secretaries of the Army, Navy, and Air Force, respectively, if they should deem it advantageous to the national defense, and if in their opinions the existing facilities of the Department of Defense are inadequate, are authorized to procure services in accordance with section 3109 of title 5, United States Code, under regulations prescribed by the Secretary of Defense, and to pay in connection therewith travel expenses of individuals, including actual transportation and per diem in lieu of subsistence while traveling from their homes or places of business to official duty stations and return as may be authorized by law: *Provided*, That such contracts may be renewed annually.

Noncitizens, compensation and employment.
31 USC 700.

SEC. 704. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense.

SEC. 705. Appropriations contained in this Act shall be available for insurance of official motor vehicles in foreign countries, when required by laws of such countries; payments in advance of expenses determined by the investigating officer to be necessary and in accord with local custom for conducting investigations in foreign countries incident to matters relating to the activities of the department concerned; reimbursement to General Services Administration for security guard services for protection of confidential files; and all necessary expenses, at the seat of government of the United States of America or elsewhere, in connection with communication and other services and supplies as may be necessary to carry out the purposes of this Act.

Prisoners of war.
31 USC 649a.

SEC. 706. Any appropriation available to the Army, Navy, or Air Force may, under such regulations as the Secretary concerned may prescribe, be used for expenses incident to the maintenance, pay, and allowances of prisoners of war, other persons in Army, Navy, or Air Force custody whose status is determined by the Secretary concerned to be similar to prisoners of war, and persons detained in such custody pursuant to Presidential proclamation.

Land acquisition.

SEC. 707. Appropriations available to the Department of Defense for the current fiscal year for maintenance or construction shall be available for acquisition of land or interest therein as authorized by section 2672 or 2675 of title 10, United States Code.

SEC. 708. Appropriations for the Department of Defense for the current fiscal year shall be available, (a) for transportation to primary and secondary schools of minor dependents of military and civilian personnel of the Department of Defense as authorized for the Navy by section 7204 of title 10, United States Code; (b) for expenses in connection with administration of occupied areas; (c) for payment of rewards as authorized for the Navy by section 7209(a) of title 10, United States Code, for information leading to the discovery of missing naval property or the recovery thereof; (d) for payment of deficiency judgments and interests thereon arising out of condemnation proceedings; (e) for leasing of buildings and facilities including payment of rentals for special purpose space at the seat of government, and in the conduct of field exercises and maneuvers or, in administering the provisions of title 43, United States Code, section 315q, rentals may be paid in advance; (f) payments under contracts for maintenance of tools and facilities for twelve months beginning at any time during the fiscal year; (g) maintenance of defense access roads certified as important to national defense in accordance with section 210 of title 23, United States Code; (h) for the purchase of milk for enlisted personnel of the Department of Defense heretofore made available pursuant to section 1446a, title 7, United States Code, and the cost of milk so purchased, as determined by the Secretary of Defense, shall be included in the value of the commuted ration; (i) transporting civilian clothing to the home of record of selective service inductees and recruits on entering the military services; (j) payments under leases for real or personal property, including maintenance thereof when contracted for as a part of the lease agreement, for twelve months beginning at any time during the fiscal year; and (k) pay and allowances of not to exceed nine persons, including personnel detailed to International Military Headquarters and Organizations, at rates provided for under section 625(d)(1) of the Foreign Assistance Act of 1961, as amended; and (l) the purchase of right-hand-drive vehicles not to exceed $12,000 per vehicle.

22 USC 2385.

10 USC 858 note.

SEC. 709. Appropriations for the Department of Defense for the current fiscal year shall be available for: (a) donations of not to exceed $25 to each prisoner upon each release from confinement in military or contract prison and to each person discharged for fraudulent enlistment; (b) authorized issues of articles to prisoners, applicants for enlistment and persons in military custody; (c) subsistence of selective service registrants called for induction, applicants for enlistment, prisoners, civilian employees as authorized by law, and supernumeraries when necessitated by emergent military circumstances; (d) reimbursement for subsistence of enlisted personnel while sick in hospitals; (e) expenses of prisoners confined in nonmilitary facilities; (f) military courts, boards, and commissions; (g) utility services for buildings erected at private cost, as authorized by law, and buildings on military reservations authorized by regulations to be used for welfare and recreational purposes; (h) exchange fees, and losses in the accounts of disbursing officers or agents in accordance with law; (i) expenses of Latin American cooperation as authorized for the Navy by law (10 U.S.C. 7208); (j) expenses of apprehension and delivery of deserters, prisoners, and members absent without leave, including payment of rewards of not to exceed $75 in any one case; and (k) expenses of arrangements with foreign countries for cryptologic support.

10 USC 807 note.

Small and minority-owned business, contract opportunities.

SEC. 710. The Secretary of Defense and each purchasing and contracting agency of the Department of Defense shall assist American small and minority-owned business to participate equitably in the furnishing of commodities and services financed with funds appropriated under this Act by increasing, to an optimum level, the resources and number of personnel jointly assigned to promoting both small and minority business involvement in purchases financed with funds appropriated herein, and by making available or causing to be made available to such businesses, information, as far in advance as possible, with respect to purchases proposed to be financed with funds appropriated under this Act, and by assisting small and minority business concerns to participate equitably as subcontractors on contracts financed with funds appropriated herein, and by otherwise advocating and providing small and minority business opportunities to participate in the furnishing of commodities and services financed with funds appropriated by this Act.

Mess operations.

SEC. 711. No appropriation contained in this Act shall be available for expenses of operation of messes (other than organized messes the operating expenses of which are financed principally from nonappropriated funds) at which meals are sold to officers or civilians, except under regulations approved by the Secretary of Defense, which shall (except under unusual or extraordinary circumstances) establish rates for such meals sufficient to provide reimbursements of operating expenses and food costs to the appropriations concerned: *Provided,* That officers and civilians in a travel status receiving a per diem allowance in lieu of subsistence shall be charged at the rate of not less than $2.50 per day: *Provided further,* That for the purposes of this section payments for meals at the rates established hereunder may be made in cash or by deduction from the pay of civilian employees: *Provided further,* That members of organized nonprofit youth groups sponsored at either the national or local level, when extended the privilege of visiting a military installation and permitted to eat in the general mess by the commanding officer of the installation, shall pay the commuted ration cost of such meal or meals.

Fiscal year limitation.

SEC. 712. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Metal scrap processing facilities.
50 USC 100a.

SEC. 713. During the current fiscal year no funds available to agencies of the Department of Defense shall be used for the operation, acquisition, or construction of new facilities or equipment for new facilities in the continental limits of the United States for metal scrap bailing or shearing or for melting or sweating aluminum scrap unless the Secretary of Defense or an Assistant Secretary of Defense designated by him determines, with respect to each facility involved, that the operation of such facility is in the national interest.

Funds and contract authorizations, exemption.

31 USC 665.

SEC. 714. (a) During the current fiscal year, the President may exempt appropriations, funds, and contract authorizations, available for military functions under the Department of Defense, from the provisions of subsection (c) of section 3679 of the Revised Statutes, as amended, whenever he deems such action to be necessary in the interest of national defense.

Airborne alert expenses.

(b) Upon determination by the President that such action is necessary, the Secretary of Defense is authorized to provide for the cost of an airborne alert as an excepted expense in accordance with the provisions of section 3732 of the Revised Statutes (41 U.S.C. 11).

Active duty military personnel increases.

(c) Upon determination by the President that it is necessary to increase the number of military personnel on active duty subject to existing laws beyond the number for which funds are provided in this Act, the Secretary of Defense is authorized to provide for the cost of such increased military personnel, as an excepted expense in accordance with the provisions of section 3732 of the Revised Statutes (41 U.S.C. 11).

Reports to Congress.

(d) The Secretary of Defense shall immediately advise Congress of the exercise of any authority granted in this section, and shall report monthly on the estimated obligations incurred pursuant to subsections (b) and (c).

Commissary stores.

SEC. 715. No appropriation contained in this Act shall be available in connection with the operation of commissary stores of the agencies of the Department of Defense for the cost of purchase (including commercial transportation in the United States to the place of sale but excluding all transportation outside the United States) and maintenance of operating equipment and supplies, and for the actual or estimated cost of utilities as may be furnished by the Government and of shrinkage, spoilage, and pilferage of merchandise under the control of such commissary stores, except as authorized under regulations promulgated by the Secretaries of the military departments concerned with the approval of the Secretary of Defense, which regulations shall provide for reimbursement therefor to the appropriations concerned and, notwithstanding any other provision of law, shall provide for the adjustment of the sales prices in such commissary stores to the extent necessary to furnish sufficient gross revenues from sales of commissary stores to make such reimbursement: *Provided,* That under such regulations as may be issued pursuant to this section all utilities may be furnished without cost to the commissary stores outside the continental United States and in Alaska: *Provided further,* That no appropriation contained in this Act shall be available to pay any costs incurred by any commissary store or other entity acting on behalf of any commissary store in connection with obtaining the face value amount of manufacturer or vendor cents-off discount coupons unless all fees or moneys received for handling or processing such coupons are reimbursed to the appropriation charged with the incurred costs: *Provided further,* That no appropriation contained in this Act shall be available in connection with the operation of commissary stores within the continental United States unless the Secretary of Defense has certified that items normally procured from commissary stores are not otherwise available at a reasonable distance and a reasonable price in satisfactory quality and quantity to the military and civilian employees of the Department of Defense.

Proficiency flying.

SEC. 716. No part of the appropriations in this Act shall be available for any expense of operating aircraft under the jurisdiction of the armed forces for the purpose of proficiency flying, as defined in Department of Defense Directive 1340.4, except in accordance with regulations prescribed by the Secretary of Defense. Such regulations (1) may not require such flying except that required to maintain proficiency in anticipation of a member's assignment to combat operations and (2) such flying may not be permitted in cases of members who have been assigned to a course of instruction of ninety days or more.

Household goods.

SEC. 717. No part of any appropriation contained in this Act shall be available for expense of transportation, packing, crating, temporary storage, drayage, and unpacking of household goods and personal effects in any one shipment having a net weight in excess of thirteen thousand five hundred pounds.

Vessels transfer. 40 USC 483a.

SEC. 718. Vessels under the jurisdiction of the Department of Commerce, the Department of the Army, the Department of the Air Force, or the Department of the Navy may be transferred or otherwise made available without reimbursement to any such agencies upon the request of the head of one agency and the approval of the agency having jurisdiction of the vessels concerned.

Obligated funds, limitation.

SEC. 719. Not more than 20 per centum of the appropriations in this Act which are limited for obligations during the current fiscal year shall be obligated during the last two months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of civilian components or summer camp training of the Reserve Officers' Training Corps, or the National Board for the Promotion of Rifle Practice, Army.

Foreign real property commodities, and services.

SEC. 720. During the current fiscal year the agencies of the Department of Defense may accept the use of real property from foreign countries for the United States in accordance with mutual defense agreements or occupational arrangements and may accept services furnished by foreign countries as reciprocal international courtesies or as services customarily made available without charge; and such agencies may use the same for the support of the United States forces in such areas without specific appropriation therefor.

31 USC 700a.

In addition to the foregoing, agencies of the Department of Defense may accept real property, services, and commodities from foreign countries for the use of the United States in accordance with mutual defense agreements or occupational arrangements and such agencies may use the same for the support of the United States forces in such areas, without specific appropriations therefor: *Provided*, That the foregoing authority shall not be available for the conversion of heating plants from coal to oil at defense facilities in Europe: *Provided further*, That within thirty days after the end of each quarter the Secretary of Defense shall render to Congress and to the Office of Management and Budget a full report of such property, supplies, and commodities received during such quarter.

Report to Congress and OMB.

Research and development funds.

SEC. 721. During the current fiscal year, appropriations available to the Department of Defense for research and development may be used for the purposes of section 2353 of title 10, United States Code, and for purposes related to research and development for which expenditures are specifically authorized in other appropriations of the service concerned.

Educational expenses limitation.

SEC. 722. No appropriation contained in this Act shall be available for the payment of more than 75 per centum of charges of educational institutions for tuition or expenses of off-duty training of military personnel (except with regard to such charges of educational institutions (a) for enlisted personnel in the pay grade E-5 or higher with less than 14 years' service, for which payment of 90 per centum may be made or (b) for military personnel in off-duty high school completion programs, for which payment of 100 per centum may be made), nor for the payment of any part of tuition or expenses for such training for commissioned personnel who do not agree to remain on active duty for two years after completion of such training.

Loyalty certificate or oath.
10 USC 2103 note.

SEC. 723. No part of the funds appropriated herein shall be expended for the support of any formally enrolled student in basic courses of the senior division, Reserve Officers' Training Corps, who has not executed a certificate of loyalty or loyalty oath in such form as shall be prescribed by the Secretary of Defense.

Procurement limitations.

SEC. 724. No part of any appropriation contained in this Act, except for small purchases in amounts not exceeding $10,000, shall be available for the procurement of any article of food, clothing, cotton, woven silk or woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric or coated synthetic fabric, or wool (whether in the form of fiber or yarn or contained in fabrics, materials, or manufactured articles), or specialty metals including stainless steel flatware, not grown, reprocessed, reused, or produced in the United States or its possessions, except to the extent that the Secretary of the Department concerned shall determine that a satisfactory quality and sufficient quantity of any articles of food or clothing or any form of cotton, woven silk and woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric or coated synthetic fabric, wool, or specialty metals including stainless steel flatware, grown, reprocessed, reused, or produced in the United States or its possessions cannot be procured as and when needed at United States market prices and except procurements outside the United States in support of combat operations, procurements by vessels in foreign waters, and emergency procurements or procurements of perishable foods by establishments located outside the United States for the personnel attached thereto: *Provided*, That nothing herein shall preclude the procurement of specialty metals or chemical warfare protective clothing produced outside the United States or its possessions when such procurement is necessary to comply with agreements with foreign governments requiring the United States to purchase supplies from foreign sources for the purposes of offsetting sales made by the United States Government or United States firms under approved programs serving defense requirements or where such procurement is necessary in furtherance of the standardization and interoperability of equipment requirements within NATO so long as such agreements with foreign governments comply, where applicable, with the requirements of section 36 of the Arms Export Control Act and with section 814 of the Department of Defense Appropriation Authorization Act, 1976: *Provided further*, That nothing herein shall preclude the procurement of foods manufactured or processed in the United States or its possessions: *Provided further*, That no funds herein appropriated shall be used for the payment of a price differential on contracts hereafter made for the purpose of relieving economic dislocations other than certain contracts not involving fuel made on a test basis by the Defense Logistics Agency with a cumulative value not to exceed $3,400,000,000, as may be determined by the Secretary of Defense pursuant to existing laws and regulations as not to be inappropriate therefor by reason of national security considerations: *Provided further*, That the Secretary specifically determines that there is a reasonable expectation that offers will be obtained from a sufficient number of eligible concerns so that awards of such contracts will be made at a reasonable price and that no award shall be made for such contracts if the price differential exceeds 5 per centum: *Provided further*, That none of the funds appropriated in this Act shall be used except that, so far as practicable, all contracts shall be

22 USC 2776.
89 Stat. 540.

awarded on a formally advertised competitive bid basis to the lowest responsible bidder.

SEC. 725. None of the funds appropriated by this Act shall be used for the construction, replacement, or reactivation of any bakery, laundry, or drycleaning facility in the United States, its territories or possessions, as to which the Secretary of Defense does not certify in writing, giving his reasons therefor, that the services to be furnished by such facilities are not obtainable from commercial sources at reasonable rates.

Inactive duty training pay.

SEC. 726. None of the funds appropriated by this Act may be obligated under section 206 of title 37, United States Code, for inactive duty training pay of a member of the National Guard or a member of a reserve component of a uniformed service for more than four periods of equivalent training, instruction, duty or appropriate duties that are performed instead of that member's regular period of instruction or regular period of appropriate duty.

Furnishings and automobiles, purchase.

SEC. 727. Appropriations contained in this Act shall be available for the purchase of household furnishings, and automobiles from military and civilian personnel on duty outside the continental United States, for the purpose of resale at cost to incoming personnel, and for providing furnishings, without charge, in other than public quarters occupied by military or civilian personnel of the Department of Defense on duty outside the continental United States or in Alaska, upon a determination, under regulations approved by the Secretary of Defense, that such action is advantageous to the Government.

Uniforms.

SEC. 728. During the current fiscal year, appropriations available to the Department of Defense for pay of civilian employees shall be available for uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901; 80 Stat. 508).

Legislative liaison activities.

SEC. 729. Funds provided in this Act for legislative liaison activities of the Department of the Army, the Department of the Navy, the Department of the Air Force, and the Office of the Secretary of Defense shall not exceed $7,500,000 for the current fiscal year: *Provided,* That this amount shall be available for apportionment to the Department of the Army, the Department of the Navy, the Department of the Air Force, and the Office of the Secretary of Defense as determined by the Secretary of Defense.

Civil reserve air fleet.

SEC. 730. Of the funds made available by this Act for the services of the Military Airlift Command, $100,000,000 shall be available only for procurement of commercial transportation service from carriers participating in the civil reserve air fleet program; and the Secretary of Defense shall utilize the services of such carriers which qualify as small businesses to the fullest extent found practicable: *Provided,* That the Secretary of Defense shall specify in such procurement, performance characteristics for aircraft to be used based upon modern aircraft operated by the civil reserve air fleet.

Civilian clothing.

SEC. 731. During the current fiscal year, appropriations available to the Department of Defense for operation may be used for civilian clothing, not to exceed $40 in cost for enlisted personnel: (1) discharged for misconduct, unsuitability, or otherwise than honorably; (2) sentenced by a civil court to confinement in a civil prison or interned or discharged as an alien enemy; or (3) discharged prior to completion of recruit training under honorable conditions for dependency, hardship, minority, disability, or for the convenience of the Government.

Defense contractors, advertising costs, limitation.

SEC. 732. No part of the funds appropriated herein shall be available for paying the costs of advertising by any defense contractor, except advertising for which payment is made from profits, and such advertising shall not be considered a part of any defense contract cost. The prohibition contained in this section shall not apply with respect to advertising conducted by any such contractor, in compliance with regulations which shall be promulgated by the Secretary of Defense, solely for (1) the recruitment by the contractor of personnel required for the performance by the contractor of obligations under a defense contract, (2) the procurement of scarce items required by the contractor for the performance of a defense contract, or (3) the disposal of scrap or surplus materials acquired by the contractor in the performance of a defense contract.

New facilities, limitation.

SEC. 733. Funds appropriated in this Act for maintenance and repair of facilities and installations shall not be available for acquisition of new facilities, or alteration, expansion, extension, or addition of existing facilities, as defined in Department of Defense Directive 7040.2, dated January 18, 1961, in excess of $100,000: *Provided,* That the Secretary of Defense may amend or change the said directive during the current fiscal year, consistent with the purpose of this section.

Funds, transfer.

SEC. 734. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $750,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided,* That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by Congress: *Provided further,* That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority.

Notification of Congress.

Working capital funds.

SEC. 735. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided,* That transfers may be made between such funds in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that transfers between a stock fund account and an industrial fund account may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

Funds, transfer.

Notification of Congress.

Federal Employees Compensation Fund.

SEC. 736. Not more than $192,800,000 of the funds appropriated by this Act shall be made available for payment to the Federal Employees Compensation Fund, as established by 5 U.S.C. 8147.

Loan restrictions.

SEC. 737. No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan, or a grant to any applicant who has been convicted by any court of general jurisdiction of any crime which involves the use of or the assistance to others in the use of force, trespass, or the seizure of property under control of an institution of higher education to prevent officials or students at such an institution from engaging in their duties or pursuing their studies.

Heating plant conversion.

SEC. 738. None of the funds available to the Department of Defense shall be utilized for the conversion of heating plants from coal to oil at defense facilities in Europe.

Nonvoluntary experimental subjects.

SEC. 739. None of the funds appropriated by this Act shall be available for any research involving uninformed or nonvoluntary human beings as experimental subjects.

SEC. 740. Appropriations for the current fiscal year for operation and maintenance of the active forces shall be available for medical and dental care of personnel entitled thereto by law or regulation (including charges of private facilities for care of military personnel, except elective private treatment); welfare and recreation; hire of passenger motor vehicles; repair of facilities; modification of personal property; design of vessels; industrial mobilization; installation of equipment in public and private plants; military communications facilities on merchant vessels; acquisition of services, special clothing, supplies, and equipment; and expenses for the Reserve Officers' Training Corps and other units at educational institutions.

Funds, reprogramming.

SEC. 741. No part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for the reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress.

Health program, limitations.

SEC. 742. No funds appropriated by this Act shall be available to pay claims for nonemergency inpatient hospital care provided under the Civilian Health and Medical Program of the Uniformed Services for services available at a facility of the uniformed services within a 40-mile radius of the patient's residence.

SEC. 743. None of the funds contained in this Act available for the Civilian Health and Medical Program of the Uniformed Services under the provisions of section 1079(a) of title 10, United States Code, shall be available for (a) services of pastoral counselors, or family and child counselors, or marital counselors unless the patient has been referred to such counselor by a medical doctor for treatment of a specific problem with results of that treatment to be communicated back to the physician who made such referral; (b) special education, except when provided as secondary to the active psychiatric treatment on an institutional inpatient basis; (c) therapy or counseling for sexual dysfunctions or sexual inadequacies; (d) treatment of obesity when obesity is the sole or major condition treated; (e) reconstructive surgery (other than post-mastectomy reconstructive surgery to overcome the effects of trauma or disease), justified solely on psychiatric needs including, but not limited to, mammary augmentation, face lifts and sex gender changes; (f) reimbursement of any physician or other authorized individual provider of medical care in excess of the eightieth percentile of the customary charges made for similar services in the same locality where the medical care was furnished, as determined for physicians in accordance with section 1079(h) of title 10, United States Code; or (g) any service or supply which is not medically or psychologically necessary to prevent, diagnose, or treat a mental or physical illness, injury, or bodily malfunction as assessed or diagnosed by a physician, dentist, clinical psychologist, optometrist, podiatrist, certified nurse-midwife, or, for the purpose of conducting a test during fiscal year 1981, by a certified psychiatric nurse, other certified nurse practitioner, or certified clinical social worker, as appropriate, except as authorized by section 1079(a)(4) of title 10, United States Code.

SEC. 744. Appropriations available to the Department of Defense for the current fiscal year shall be available to provide an individual entitled to health care under chapter 55 of title 10, United States Code, with one wig if the individual has alopecia that resulted from treatment of malignant disease: *Provided*, That the individual has not previously received a wig from the Government.

10 USC 1071 *et seq.*

SEC. 745. Funds appropriated in this Act shall be available for the appointment, pay, and support of persons appointed as cadets and midshipmen in the two-year Senior Reserve Officers' Training Corps course in excess of the 20 percent limitation on such persons imposed by section 2107(a) of title 10, United States Code, but not to exceed 60 percent of total authorized scholarships.

SEC. 746. None of the funds appropriated by this Act shall be available to pay any member of the uniformed service for unused accrued leave pursuant to section 501 of title 37, United States Code, for more than sixty days of such leave, less the number of days for which payment was previously made under section 501 after February 9, 1976.

Unused accrued leave.

SEC. 747. None of the funds appropriated by this Act may be used to support more than 300 enlisted aides for officers in the United States Armed Forces.

Enlisted aides, limitations.

SEC. 748. No appropriation contained in this Act may be used to pay for the cost of public affairs activities of the Department of Defense in excess of $28,000,000.

Public affairs activities.

SEC. 749. None of the funds provided in this Act shall be available for the planning or execution of programs which utilize amounts credited to Department of Defense appropriations or funds pursuant to the provisions of section 37(a) of the Arms Export Control Act representing payment for the actual value of defense articles specified in section 21(a)(1) of that Act: *Provided*, That such amounts so credited shall be deposited in the Treasury as miscellaneous receipts as provided in 31 U.S.C. 484.

22 USC 2777.

22 USC 2761.

SEC. 750. During the current fiscal year, for the purpose of conducting a test to evaluate a capitation approach to providing medical care and to that end for the purpose of providing adequate funds in Department of Defense Medical Regions 1 and 7 for medical care, including the expenses of the Civilian Health and Medical Program of the Uniformed Services, funds available to the Department of Defense in the appropriation "Operation and Maintenance, Defense Agencies" for expenses of the Civilian Health and Medical Program of the Uniformed Services may be transferred to appropriations available to the military departments for operation and maintenance, and funds available to the military departments for operation and maintenance may be transferred between such appropriations: *Provided*, That funds transferred pursuant to this authority shall be merged with and made available for the same purpose as the appropriation to which transferred: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority: *Provided further*, That transfer authority provided herein shall be in addition to that provided in section 734 of this Act.

Medical care.

Notification of Congress.

SEC. 751. No appropriation contained in this Act shall be available to fund any costs of a Senior Reserve Officers' Training Corps unit—except to complete training of personnel enrolled in Military Science 4—which in its junior year class (Military Science 3) has for the four preceding academic years, and as of September 30, 1980, enrolled less than (a) seventeen students where the institution prescribes a four-year or a combination four- and two-year program; or (b) twelve

Senior ROTC unit, limitation.
Effective date.

students where the institution prescribes a two-year program: *Provided,* That, notwithstanding the foregoing limitation, funds shall be available to maintain one Senior Reserve Officers' Training Corps unit in each State and at each State-operated maritime academy: *Provided further,* That units under the consortium system shall be considered as a single unit for purposes of evaluation of productivity under this provision: *Provided further,* That if enrollment standards contained in Department of Defense Directive 1215.8 for Senior Reserve Officers' Training Corps units are revised, then the revised standards may be used to determine compliance with this provision, in lieu of the standards cited above.

SEC. 751A. None of the funds appropriated by this Act shall be obligated under the Competitive Rate Program of the Department of Defense for the transportation of household goods to or from Alaska or Hawaii.

SEC. 752. (a) None of the funds appropriated by this Act or available in any working capital fund of the Department of Defense shall be available to pay the expenses attributable to lodging of any person on official business away from his designated post of duty, or in the case of an individual described under section 5703 of title 5, United States Code, his home or regular place of duty, when adequate government quarters are available, but are not occupied by such person.

(b) The limitation set forth in subsection (a) is not applicable to employees whose duties require official travel in excess of fifty percent of the total number of the basic administrative work weeks during the current fiscal year.

Enlisted members, transfer; retainer pay.

SEC. 753. (a) None of the funds appropriated by this Act shall be available to pay the retainer pay of any enlisted member of the Regular Navy, the Naval Reserve, the Regular Marine Corps, or the Marine Corps Reserve who is transferred to the Fleet Reserve or the Fleet Marine Corps Reserve under section 6330 of title 10, United States Code, on or after December 31, 1977, if the provisions of section 6330(d) of title 10, are utilized in determining such member's eligibility for retirement under section 6330(b) of title 10: *Provided,* That notwithstanding the foregoing, time creditable as active service for a completed minority enlistment, and an enlistment terminated within three months before the end of the term of enlistment under section 6330(d) of title 10, prior to December 31, 1977, may be utilized in determining eligibility for retirement: *Provided further,* That notwithstanding the foregoing, time may be credited as active service in determining a member's eligibility for retirement under section 6330(b) of title 10 pursuant to the provisions of the first sentence of section 6330(d) of title 10 for those members who had formally requested transfer to the Fleet Reserve or the Fleet Marine Corps Reserve on or before October 1, 1977.

(b) None of the funds appropriated by this Act shall be available to pay that portion of the retainer pay of any enlisted member of the Regular Navy, the Naval Reserve, the Regular Marine Corps, or the Marine Corps Reserve who is transferred to the Fleet Reserve or the Fleet Marine Corps Reserve under section 6330 of title 10, United States Code, on or after December 31, 1977, which is attributable under the second sentence of section 6330(d) of title 10 to time which, after December 31, 1977, is not actually served by such member.

CIA programs, fiscal year limitation.

SEC. 754. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year.

CIA salaries, limitation.

SEC. 755. None of the funds provided by this Act may be used to pay the salaries of any person or persons who authorize the transfer of unobligated and deobligated appropriations into the Reserve for Contingencies of the Central Intelligence Agency.

SEC. 756. None of the funds appropriated by this Act may be used to support more than 9,901 full-time and 2,603 part-time military personnel assigned to or used in the support of Morale, Welfare, and Recreation activities as described in Department of Defense Instruction 7000.12 and its enclosures, dated July 17, 1974.

Loan guarantees, limitation.

SEC. 757. During the current fiscal year, the Department of Defense may guarantee loans pursuant to title III of the Defense Production Act of 1950 as amended (50 U.S.C. App. 2091, 64 Stat. 800) in an amount not to exceed $30,000,000.

Pilot training squadrons.

SEC. 758. None of the funds appropriated by this Act may be used for the consolidation or realignment of advanced or undergraduate pilot training squadrons of the Navy.

SEC. 759. All obligations incurred in anticipation of the appropriations and authority provided in this Act are hereby ratified and confirmed if otherwise in accordance with the provisions of this Act.

Abortion funding, limitation.

SEC. 760. None of the funds provided by this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims of rape or incest, when such rape has within seventy-two hours been reported to a law enforcement agency or public health service; nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy: *Provided, however,* That the several States are and shall remain free not to fund abortions to the extent that they in their sole discretion deem appropriate.

Cryptologic personnel and facilities.

SEC. 761. During the current fiscal year, funds appropriated by this Act shall be available to provide for the lease of a facility, regardless of location, designated by the Secretary of Defense for cryptologic purposes; and for alterations, improvement, and repair of that facility notwithstanding any other provisions of law. Funding for lease, alterations, improvement, and repair shall not exceed one million dollars. Further, funds appropriated by this Act shall be available to provide support in accordance with sections 4 and 8 of the Central Intelligence Agency Act of 1949, as amended (50 U.S.C. 403e and 403j), to certain Department of Defense cryptologic personnel stationed overseas as designated by the Secretary of Defense.

Retired or retainer pay, limitation.

SEC. 762. Effective the first day of the second month following enactment of this Act, none of the funds appropriated by this Act shall be available to pay the retired pay or retainer pay of a person for any month who, on or after December 1, 1980, is retired under section 8337 of title 5, United States Code, in an amount that is more than—

(a) the monthly amount of retired pay or retainer pay that the person is otherwise entitled to receive, minus

(b) the amount equal to the difference between:

(1) the amount the person is entitled to receive for that month as a civil service annuity computed based on the provisions of section 8339(g) of title 5, United States Code, and

(2) the amount the person would be entitled to receive for that month if the person's civil service annuity was computed under the provisions of section 8339 (a), (b), or (c), as appropriate, excluding credit for military service:

Provided, That the foregoing limitation shall not serve to reduce the retired or retainer pay below that necessary to make deductions from the retired pay of a person for deductions for Survivor Benefit Plan payments: *Provided further*, That the foregoing limitation shall not apply to a person who has applied for retirement under section 8337 of title 5, United States Code, prior to December 1, 1980: *Provided further*, That the foregoing limitation shall not apply to a person who is covered by the provisions of section 8332(c) (1) or (2) of title 5, United States Code.

SEC. 763. None of the funds appropriated by this Act shall be used for the provision, care or treatment to dependents of members or former members of the Armed Services or the Department of Defense for the elective correction of minor dermatological blemishes and marks or minor anatomical anomalies.

SEC. 764. None of the funds appropriated by this Act shall be available for the purchase of insignia for resale unless the sales price of such insignia is adjusted to the extent necessary to recover the cost of purchase of such insignia and the estimated cost of all related expenses, including but not limited to management, storage, handling, transportation, loss, disposal of obsolete material, and management fees paid to the military exchange systems: *Provided*, That amounts derived by the adjustment covered by the foregoing limitations may be credited to the appropriations against which the charges have been made to recover the cost of purchase and related expense.

Audits.

SEC. 764A. All unresolved audits currently pending within agencies and departments, for which appropriations are made under this Act, shall be resolved not later than September 30, 1981. Any new audits, involving questioned expenditures, arising after the enactment of this Act shall be resolved within 6 months of completing the initial audit report.

Claim payments to Federal Republic of Germany.

SEC. 764B. None of the funds appropriated by this Act or heretofore appropriated by any other Act shall be obligated or expended for the payment of anticipatory possession compensation claims to the Federal Republic of Germany other than claims listed in the 1973 agreement (commonly referred to as the Global Agreement) between the United States and the Federal Republic of Germany.

Overdue and delinquent debts.

SEC. 765. Each department and agency for which appropriations are made under this Act shall take immediate action (1) to improve the collection of overdue debts owed to the United States within the jurisdiction of that department or agency; (2) to bill interest on delinquent debts as required by the Federal Claims Collection Standards; and (3) to reduce amounts of such debts written off as uncollectible.

Procurement limitation.

SEC. 766. None of the funds appropriated by this Act shall be available for a contract for studies, analyses, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines:

(a) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work, or

(b) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source, or

(c) where the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support:

Provided, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

Foreign military and diplomatic personnel, medical care.

SEC. 767. None of the funds appropriated by this Act shall be available to provide medical care in the United States on an inpatient basis to foreign military and diplomatic personnel or their dependents unless the Department of Defense is reimbursed for the costs of providing such care: *Provided,* That reimbursements for medical care covered by this section shall be credited to the appropriations against which charges have been made for providing such care.

Funds transfer, limitation.

SEC. 767A. The appropriation "Foreign Currency Fluctuations, Defense" shall not be available hereafter to transfer funds between that account and appropriations available to the Department of Defense for military personnel expenses with regard to obligations incurred after September 30, 1980.

Second career training program.
Ante, p. 1150.

SEC. 768. None of the funds appropriated by this Act shall be obligated for the second career training program authorized by Public Law 96-347.

Small arms demilitarization.

SEC. 769. None of the funds appropriated or otherwise made available in this Act shall be obligated or expended for salaries or expenses during the current fiscal year for the purposes of demilitarization of small firearms.

Pre-paid health benefits, demonstration projects.

SEC. 770. During the current fiscal year, not to exceed $125,000,000 of the funds provided in this Act for the Civilian Health and Medical Program of the Uniformed Services may be used to conduct a test program in accordance with the following guidelines: In carrying out the provisions of sections 1079 and 1086 of title 10, United States Code, the Secretary of Defense, after consulting with the Secretary of Health and Human Services, may contract with organizations that assume responsibility for the maintenance of the health of a defined population, for the purpose of experiments and demonstration projects designed to determine the relative advantages and disadvantages of providing pre-paid health benefits: *Provided,* That such projects must be designed in such a way as to determine methods of reducing the cost of health benefits provided under such sections without adversely affecting the quality of care. Except as provided otherwise, the provisions of such a contract may deviate from the cost-sharing arrangements prescribed and the types of health care authorized under sections 1079 and 1086, when the Secretary of Defense determines that such a deviation would serve the purpose of this section.

Kennebec Arsenal, Maine.

SEC. 771. (a) The Act entitled "An Act authorizing the Secretary of War to convey the Kennebec Arsenal property, situated in Augusta, Maine, to the State of Maine for public purposes", approved March 3, 1905 (33 Stat. 1270), is amended by inserting "or for other public purposes" after "in conformity with the terms of this Act".

(b) The Secretary of the Army shall issue such written instructions, deeds, or other instruments as may be necessary to bring the conveyance made to the State of Maine under the authority of the Act referred to in subsection (a) into conformity with the amendment made by such subsection.

Cash awards.

SEC. 772. Subsection (c) of section 1124 of title 10, United States Code, is amended to read as follows:

(c) An award under this section may be paid notwithstanding the member's death, separation, or retirement from the armed force concerned. However, the suggestion, invention, or scientific achievement forming the basis for the award must have been made while the

5 USC 4501 *et seq.*

member was on active duty or in an active reserve status and not otherwise eligible for an award under chapter 45 of title 5.".

TITLE VIII

RELATED AGENCIES

INTELLIGENCE COMMUNITY STAFF

For necessary expenses of the Intelligence Community Staff; $17,824,000.

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System; $55,300,000.

Short title.

This Act may be cited as the "Department of Defense Appropriation Act, 1981".

Approved December 15, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-1317 (Comm. on Appropriations) and No. 96-1528 (Comm. of Conference).
SENATE REPORT No. 96-1020 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 126 (1980):
Sept. 15, 16, considered and passed House.
Nov. 21, considered and passed Senate, amended.
Dec. 5, House agreed to conference report; receded from its disagreement and concurred in certain Senate amendments and in others with amendments; Senate agreed to conference report and concurred in House amendments.

Public Law 96-528
96th Congress

An Act

Making appropriations for Agriculture, Rural Development, and Related Agencies programs for the fiscal year ending September 30, 1981, and for other purposes.

Dec. 15, 1980
[H.R. 7591]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, and Related Agencies programs for the fiscal year ending September 30, 1981, and for other purposes, namely:

Agriculture, rural development, and related agencies appropriations, fiscal year 1981.

TITLE I—AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING AND MARKETING

OFFICE OF THE SECRETARY

For necessary expenses of the Office of the Secretary of Agriculture, including not to exceed $75,000 for employment under 5 U.S.C. 3109, $4,810,000: *Provided,* That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551-558: *Provided further,* That not to exceed $8,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary.

DEPARTMENTAL ADMINISTRATION

For Budget, Planning and Evaluation, and Public Participation, $3,493,800; for Operations and Finance, Personnel, Equal Opportunity, Safety and Health Management, Management Analysis and Small and Disadvantaged Business Utilization, $9,256,200; for Capper-Volstead Monitoring, $200,000, to be transferred to the Economics and Statistics Service; making a total of $12,950,000 for Departmental Administration to provide for necessary expenses for management support services to offices of the Department of Agriculture and for general administration of the Department of Agriculture, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department of Agriculture, of which not to exceed $10,000 is for employment under 5 U.S.C. 3109.

GOVERNMENTAL AND PUBLIC AFFAIRS

For necessary expenses to carry on services relating to the coordination of programs involving governmental and public affairs and emergency preparedness; acting as liaison within the executive branch and with the Congress on legislative matters; and for the dissemination of agricultural information and the coordination of information work and programs authorized by Congress in the

Department, $8,861,000; of which not to exceed $10,000 shall be available for employment under 5 U.S.C. 3109, and, not to exceed $2,748,000 may be used for farmers' bulletins and not less than two hundred thirty-two thousand two hundred and fifty copies for the use of the Senate and House of Representatives of part 2 of the annual report of the Secretary (known as the Yearbook of Agriculture) as authorized by 44 U.S.C. 1301: *Provided,* That in the preparation of motion pictures or exhibits by the Department, this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225).

OFFICE OF THE INSPECTOR GENERAL

Funds; transfer.

5 USC app.

For necessary expenses of the Office of the Inspector General, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), $28,052,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(8) of the Inspector General Act of 1978 (Public Law 95-452), and including a sum not to exceed $50,000 for employment under 5 U.S.C. 3109; and in addition, $10,000,000 shall be derived by transfer from the appropriation, "Food Stamp Program" and merged with this appropriation.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses, including payment of fees or dues for the use of law libraries by attorneys in the field service, $11,609,000.

FEDERAL GRAIN INSPECTION SERVICE

7 USC 71.

7 USC 1621 note.

7 USC 71 note.

For necessary expenses to carry out the provisions of the United States Grain Standards Act, as amended, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, as amended, including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $50,000 for employment under 5 U.S.C. 3109, $24,457,000: *Provided,* That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but, unless otherwise provided, the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building: *Provided further,* That none of the funds provided by this Act may be used to pay the salaries of any person or persons who require non-export, non-terminal interior elevators to maintain records not involving official inspection or official weighing in the United States under Public Law 94-582 other than those necessary to fulfill the purposes of such Act.

SCIENCE AND EDUCATION ADMINISTRATION

AGRICULTURAL RESEARCH

For necessary expenses to enable Agricultural Research to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for), home economics or nutrition and consumer use, and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100, $414,367,000: *Provided,* That appropriations hereunder shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $115,000 shall be available for employment under 5 U.S.C. 3109: *Provided further,* That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: *Provided further,* That of the appropriations hereunder, not less than $10,526,600 shall be available to conduct marketing research: *Provided further,* That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but, unless otherwise provided, the cost of constructing any one building shall not exceed $88,000, except for headhouses connecting greenhouses which shall each be limited to $500,000, and except for ten buildings to be constructed or improved at a cost not to exceed $165,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building or $88,000 whichever is greater: *Provided further,* That the limitations on construction contained in this Act shall not apply to the establishment of a fruit and nut germ plasm repository at Davis, California, the establishment of a photo-period house at Canal Point, Florida, and construction of facilities at Plum Island, New York; Beckley, West Virginia; and Stillwater, Oklahoma: *Provided further,* That the limitations on alterations contained in this Act shall not apply to a total of $100,000 for facilities at Beltsville, Maryland: *Provided further,* That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): *Provided further,* That $12,100,000 of the appropriation provided herein for construction of facilities shall remain available until expended.

7 USC 2254.

Construction costs.
7 USC 2254.

Special fund: To provide for additional labor, subprofessional, and junior scientific help to be employed under contracts and cooperative agreements to strengthen the work at Federal research installations in the field, $2,000,000.

Special fund.

SCIENTIFIC ACTIVITIES OVERSEAS (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies owed to or owned by the United States for market development research authorized by section 104(b)(1) and for agricultural and forestry research and other functions related thereto authorized by section 104(b)(3) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704(b) (1), (3)), $5,000,000: *Provided,* That this appropriation shall be available, in addition to other appropriations for these purposes, for payments in the foregoing currencies: *Provided further,* That funds appropriated herein shall be used for payments in such foreign currencies as the Department determines are needed, and can be used most effectively to carry out the purposes of this paragraph: *Provided further,* That not to exceed $25,000 of this appropriation shall be available for payments in foreign currencies for expenses of employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), as amended by 5 U.S.C. 3109.

COOPERATIVE RESEARCH

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, including $128,615,000 to carry into effect the provisions of the Hatch

20 USC 1001 note.
D.C. Code 31-1701 note.
7 USC 361f.
20 USC 1001 note.
7 USC 3222.
7 USC 3195.
7 USC 3154.
7 USC 178 note.

Act, approved March 2, 1887, as amended by the Act approved August 11, 1955 (7 U.S.C. 361a–361i), and further amended by Public Law 92-318 approved June 23, 1972, and further amended by Public Law 93-471 approved October 26, 1974, including administration by the United States Department of Agriculture, and penalty mail costs of agricultural experiment stations under section 6 of the Hatch Act of 1887, as amended; $10,774,000 for grants for cooperative forestry research under the Act approved October 10, 1962 (16 U.S.C. 582a—582a-7), as amended by Public Law 92-318 approved June 23, 1972, including administrative expenses; $19,270,000 for payments to the 1890 land-grant colleges, including Tuskegee Institute, for research under section 1445 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (Public Law 95-113), as amended, including administration by the United States Department of Agriculture, and penalty mail costs of the 1890 land-grant colleges, including Tuskegee Institute; $17,076,000 for contracts and grants for agricultural research under the Act of August 4, 1965, as amended (7 U.S.C. 450i); $16,000,000 for competitive research grants, including administrative expenses; $6,500,000 for the support of animal health and disease programs authorized by section 1433 of Public Law 95-113, including administrative expenses; $500,000 for grants in accordance with section 1419 of Public Law 95-113; $650,000 for research authorized by the Native Latex Commercialization and Economic Development Act of 1978; and $1,512,000 for necessary expenses of Cooperative Research activities, including administration of payments to State agricultural experiment stations, funds for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $50,000 for employment under 5 U.S.C. 3109; in all, $200,897,000.

EXTENSION ACTIVITIES

86 Stat. 350.
7 USC 1281 note.
7 USC 343.
D.C. Code 31-1719.
7 USC 3221.

Payments to States, Puerto Rico, Guam, and the Virgin Islands: For payments for cooperative agricultural extension work under the Smith-Lever Act, as amended by the Act of June 26, 1953, the Act of August 11, 1955, the Act of October 5, 1962 (7 U.S.C. 341-349), section 506 of the Act of June 23, 1972, and the Act of September 29, 1977 (7 U.S.C. 341-349), to be distributed under sections 3(b) and 3(c) of the Act, for retirement and employees' compensation costs for extension agents, and for costs of penalty mail for cooperative extension agents and State extension directors, $205,448,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, $55,017,000; payments for the urban gardening programs under section 3(d) of the Act, $3,000,000; payments for the pest management program under section 3(d) of the Act, $7,435,000; payments for the farm safety program under section 3(d) of the Act, $1,020,000; payments for the pesticide impact assessment program under section 3(d) of the Act, $1,805,000; payments for the energy demonstration program under section 3(d) of the Act, $300,000; payments for extension work under section 209(c) of Public Law 93-471, $910,000; payments for extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321-326, 328) and Tuskegee Institute under section 1444 of the National Agricultural Research, Extension and Teaching Policy Act of 1977 (Public Law 95-113), $11,250,000; and for carrying out the provisions of section 22 of the Act of June 29, 1935, as amended (7 U.S.C. 329), $11,500,000; in all, $297,685,000, of which not less than $78,600,000 is for Home Economics: *Provided,* That funds hereby appropriated pursuant to section 3(c) of the Act of June 26, 1953, and section 506 of the Act of June 23, 1972, as amended, shall not be paid to any State, Puerto Rico, Guam, or the Virgin Islands prior to availability of an equal sum from non-Federal sources for expenditure during the current fiscal year. 7 USC 343. 86 Stat. 350.

Federal administration and coordination: For administration of the Smith-Lever Act, as amended by the Act of June 26, 1953, the Act of August 11, 1955, the Act of October 5, 1962, section 506 of the Act of June 23, 1972, section 209(d) of Public Law 93-471, and the Act of September 29, 1977 (7 U.S.C. 341-349), and to coordinate and provide program leadership for the extension and higher education work of the Department and the several States and insular possessions, $5,948,000, of which not less than $2,100,000 is for Home Economics. 7 USC 1281 note.

TECHNICAL INFORMATION SYSTEMS

For necessary expenses of the Technical Information Systems, $8,541,000: *Provided,* That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $35,000 shall be available for employment under 5 U.S.C. 3109: *Provided further,* That not to exceed $100,000 shall be available pursuant to 7 U.S.C. 2250 for the alteration and repair of buildings and improvements.

Animal and Plant Health Inspection Service

SALARIES AND EXPENSES

For expenses, not otherwise provided for, including those pursuant to the Act of February 28, 1947, as amended (21 U.S.C. 114b-c) necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; and to protect the environment, as authorized by law, $259,255,000, of which $2,500,000 shall be available for the control of outbreaks of insects, plant diseases and animal diseases to the extent necessary to meet emergency conditions: *Provided,* That $1,000,000 of the funds for control of the fire ant shall be placed in reserve for matching purposes with States which may come into the program: *Provided further,* That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 per centum: *Provided further,* That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $40,000 shall be available for employment under 5 U.S.C. 3109: *Provided further,* That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed two, of which one shall be for replacement only: *Provided further,* That, in addition, in emergencies which threaten the livestock or poultry industries of the country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as he may deem necessary, to be available only in such emergencies for the arrest and eradication of foot-and-mouth disease, rinderpest, contagious pleuropneumonia, or other contagious or infectious diseases of animals, or European fowl pest and similar diseases in poultry, and for expenses in accordance with the Act of February 28, 1947, as amended, and any unexpended balances of funds transferred for such emergency pur-

Aircraft.

Funds, transfer. 21 USC 129.

21 USC 114b.

poses in the next preceding fiscal year shall be merged with such transferred amounts.

BUILDINGS AND FACILITIES

For plans, construction, repair, extension, alteration, purchase and improvement of fixed equipment or facilities, $6,986,000, to remain available until expended: *Provided,* That this appropriation shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements: *Provided further,* That unless otherwise provided, the cost of constructing any one building shall not exceed $88,000, except for one building to be constructed for biological control activities at a cost of $1,400,000; a facility in Hawaii at a Federal cost of $3,800,000; four buildings to be constructed or improved at a cost not to exceed $175,000 each; and $100,000 for planning a rearing facility: *Provided further,* That the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building: *Provided further,* That this appropriation shall be available for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100.

FOOD SAFETY AND QUALITY SERVICE

For necessary expenses to carry on services related to consumer protection and agricultural marketing and distribution, $293,318,000: *Provided,* That this appropriation shall be available for field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $75,000 shall be available for employment under 5 U.S.C. 3109: *Provided further,* That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the construction, alteration, and repair of buildings and improvements, but, unless otherwise provided, the cost of constructing any one building shall not exceed $90,000, except for two buildings to be constructed or improved at a cost not to exceed $150,000, and the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building: *Provided further,* That this appropriation shall be available for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100.

Land acquisition.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than $5,210,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and the Agricultural Act of 1961.

16 USC 742a note.

7 USC 601 note.

7 USC 1911 note.

ECONOMICS AND STATISTICS SERVICE

For necessary expenses of the Economics and Statistics Service to carry out the Act of July 2, 1926 (7 U.S.C. 451-457), and as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627), and other laws, in conducting: Statistical reporting and service work, including crop and livestock estimates, statistical coordination and improvements, and marketing surveys; economic research and service relating to agricultural production, marketing, and distribution, including economics of marketing; analyses relating to farm prices, income and population, and demand for farm products, use of resources in agriculture, adjustments, cost and returns in farming, and farm finance; and for analyses of supply and demand for farm products in foreign countries and their effect on prospects for United States exports, progress in economic development and its relation to sales of farm products, assembly and analysis of agricultural trade statistics and analysis of international financial and monetary programs and policies as they affect the competitive position of United States farm products; $90,203,000, of which not less than $200,000 shall be available for investigation, determination and finding as to the effect upon the production of food and upon the agricultural economy of any proposed action affecting such subject matter pending before the Administrator of the Environmental Protection Agency for presentation, in the public interest, before said administrator, other agencies or before the Courts: *Provided,* That not less than $350,000 of the funds contained in this appropriation shall be available to continue to gather statistics and conduct a special study on the price spread between the farmer and consumer: *Provided further,* That not less than $145,000 of the funds contained in this appropriation shall be available for analysis of statistics and related facts on foreign production and full and complete information on methods used by other countries to move farm commodities in world trade on a competitive basis: *Provided further,* That no part of the funds herein appropriated shall be available for any expense incident to publishing estimates of apple production for other than the commercial crop: *Provided further,* That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $140,000 shall be available for employment under 5 U.S.C. 3109.

Study.

7 USC 411b.

AGRICULTURAL COOPERATIVES SERVICE

For necessary expenses to carry out the Cooperative Marketing Act of July 2, 1926 (7 U.S.C. 451–457), and for activities relating to the marketing aspects of cooperatives, including economic research and analysis and the application of economic research findings, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627), and for activities with institutions or organizations throughout the world concerning the development and operation of agricultural cooperatives (7 U.S.C. 3291), $4,500,000: *Provided further,* That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $15,000 shall be available for employment under 5 U.S.C. 3109.

WORLD FOOD AND AGRICULTURAL OUTLOOK AND SITUATION BOARD

For necessary expenses of the World Food and Agricultural Outlook and Situation Board to coordinate and review all commodity and aggregate agricultural and food data used to develop outlook and situation material within the Department of Agriculture, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), $1,731,000, of which $500,000 shall be available only for the establishment of a secure lock-up facility: *Provided,* That this appropriation

7 USC 1622.

shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $75,000 shall be available for employment under 5 U.S.C. 3109.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses to carry on services related to agricultural marketing and distribution and regulatory programs as authorized by law, and for administration and coordination of payments to States; including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $75,000 for employment under 5 U.S.C. 3109, $49,109,000; of which not less than $1,365,000 shall be available for the Wholesale Market Development Program and $819,000 for the Information Offices: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but, unless otherwise provided, the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building.

Building repair.

TRANSPORTATION OFFICE

For necessary expenses to carry on services related to agricultural transportation programs as authorized by law; including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $20,000 for employment under 5 U.S.C. 3109, $2,000,000: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but, unless otherwise provided, the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), $1,600,000.

FARM INCOME STABILIZATION

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Salaries and Expenses

For necessary administrative expenses of the Agricultural Stabilization and Conservation Service, including expenses to formulate and carry out programs authorized by title III of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301-1393); the Agricultural Act of 1949, as amended (7 U.S.C. 1421 et seq.); sections 7 to 15, 16(a), 16(d), 16(e), 16(f), 16(i), and 17 of the Soil Conservation and Domestic Allotment Act, as amended and supplemented (16 U.S.C. 590g, 590o, 590p(a) and 590q); sections 1001 to 1008 and 1010 of the Agricultural Act of 1970 as added by the Agriculture and Consumer Protection Act of 1973 (16 U.S.C. 1501 to 1508 and 1510); the Water Bank Act (16 U.S.C. 1301-1311); the Cooperative Forestry Assistance Act of 1978

(16 U.S.C. 2101); sections 401, 402, and 404 to 406 of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 to 2205); and laws pertaining to the Commodity Credit Corporation, $195,671,000: *Provided*, That, in addition, not to exceed $159,789,000 may be transferred to and merged with this appropriation from the Commodity Credit Corporation fund (including not to exceed $44,994,000 under the limitation on Commodity Credit Corporation administrative expenses for a total of $355,460,000): *Provided further*, That other funds made available to the Agricultural Stabilization and Conservation Service for authorized activities may be advanced to and merged with this appropriation: *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $100,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That no part of the funds appropriated or made available under this Act shall be used (1) to influence the vote in any referendum; (2) to influence agricultural legislation, except as permitted in 18 U.S.C. 1913; or (3) for salaries or other expenses of members of county and community committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended, for engaging in any activities other than advisory and supervisory duties and delegated program functions prescribed in administrative regulations.

Funds, transfer.

16 USC 590h.

DAIRY AND BEEKEEPER INDEMNITY PROGRAMS

For necessary expenses involved in making indemnity payments to dairy farmers for milk or cows producing such milk and manufacturers of dairy products who have been directed to remove their milk or dairy products from commercial markets because it contained residues of chemicals registered and approved for use by the Federal Government, and in making indemnity payments for milk, or cows producing such milk, at a fair market value to any dairy farmer who is directed to remove his milk from commercial markets because of (1) the presence of products of nuclear radiation or fallout if such contamination is not due to the fault of the farmer, or (2) residues of chemicals or toxic substances not included under the first sentence of the Act of August 13, 1968, as amended (7 U.S.C. 450j), if such chemicals or toxic substances were not used in a manner contrary to applicable regulations or labeling instructions provided at the time of use and the contamination is not due to the fault of the farmer, and to beekeepers who through no fault of their own have suffered losses as a result of the use of economic poisons which had been registered and approved for use by the Federal Government, $1,700,000: *Provided*, That none of the funds contained in this Act shall be used to make indemnity payments to any farmer whose milk was removed from commercial markets as a result of his willful failure to follow procedures prescribed by the Federal Government.

CORPORATIONS

Contracts.
15 USC 713a-10.

The following corporations and agencies are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the

31 USC 849.

current fiscal year for such corporation or agency, except as hereinafter provided:

FEDERAL CROP INSURANCE CORPORATION

ADMINISTRATIVE AND OPERATING EXPENSES

For administrative and operating expenses, $29,558,000.

COMMODITY CREDIT CORPORATION

REIMBURSEMENT FOR NET REALIZED LOSSES

To reimburse the Commodity Credit Corporation for net realized losses sustained in prior years, but not previously reimbursed, pursuant to the Act of August 17, 1961 (15 U.S.C. 713a-11, 713a-12), $3,299,887,000.

LIMITATION ON ADMINISTRATIVE EXPENSES

15 USC 713a-10.

Reporting.

Reports to congressional committees.

7 USC 1707a, 1707b.

31 USC 665.

Land acquisition.

Not to exceed $52,750,000 shall be available for administrative expenses of the Commodity Credit Corporation: *Provided*, That this authorization shall be available to support the General Sales Manager who shall work to expand and strengthen sales of U.S. commodities in world markets (including those of the Corporation) pursuant to existing authority (including that contained in the Corporation's charter), and that such funds shall be used by the General Sales Manager to carry out the above activities. The General Sales Manager shall report directly to the Board of Directors of the Corporation of which the Secretary of Agriculture is a member. The General Sales Manager shall obtain, assimilate, and analyze all available information on developments related to private sales, as well as those funded by the Corporation, including grade and quality as sold and as delivered, including information relating to the effectiveness of greater reliance by the General Sales Manager upon loan guarantees as contrasted to direct loans for financing commercial export sales of agricultural commodities out of private stocks on credit terms, as provided in titles I and II of the Agricultural Trade Act of 1978, Public Law 95-501 and shall submit quarterly reports to the appropriate committees of Congress concerning such developments: *Provided further*, That none of the funds in this Act may be used to carry out an Export Credit Sales program in excess of $2,200,000,000 in fiscal year 1981: *Provided further*, That not less than 7 per centum of this authorization shall be placed in reserve to be apportioned pursuant to section 3679 of the Revised Statutes, as amended, for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided further*, That all necessary expenses (including legal and special services performed on a contract or fee basis, but not including other personal services) in connection with the acquisition, operation, maintenance, improvement, or disposition of any real or personal property belonging to the Corporation or in which it has an interest, including expenses of collections of pledged collateral, shall be considered as nonadministrative expenses for the purposes hereof: *Provided further*, That none of the funds in this Act may be used to carry out a program of loan guarantees by the Corporation for the production and marketing of industrial hydrocarbons and alcohols from agricultural commodities and forest products in excess of $500,000,000.

TITLE II—RURAL DEVELOPMENT PROGRAMS

RURAL DEVELOPMENT ASSISTANCE

FARMERS HOME ADMINISTRATION

RURAL HOUSING INSURANCE FUND

For direct loans and related advances pursuant to section 517(m) of the Housing Act of 1949, as amended, $24,000,000 shall be available from funds in the rural housing insurance fund, and for insured loans as authorized by title V of the Housing Act of 1949, as amended, $4,075,600,000, of which not less than $3,195,600,000 shall be available for subsidized interest loans to low-income borrowers as determined by the Secretary; and not to exceed $5,000,000 for advances as authorized by section 501(e) of such Act and not to exceed $2,000,000 for compensation of construction defects as authorized by section 509(c) of such Act: *Provided,* That unsubsidized interest guaranteed loans of not to exceed $25,000,000 shall be in addition to these amounts.

42 USC 1487.
42 USC 1471.
42 USC 1471.
42 USC 1479.

During fiscal year 1981, no more than 17,655 units may be assisted under rental assistance agreements entered into during the year pursuant to authority under section 521(a)(2) of the Housing Act of 1949, as amended, and the total obligation incurred over the life of these agreements shall not exceed $403,000,000 to be added to and merged with the authority provided for this purpose in prior fiscal years.

42 USC 1490a.

For an additional amount to reimburse the rural housing insurance fund for interest subsidies and losses sustained in prior years, but not previously reimbursed, in carrying out the provisions of title V of the Housing Act of 1949, as amended (42 U.S.C. 1483, 1487e, and 1490a(c)), including $8,712,000, as authorized by section 521(c) of the Act, $504,318,000, and for an additional amount as authorized by section 521(c) of the Act as may be necessary to reimburse the fund to carry out a rental assistance program under section 521(a)(2) of the Housing Act of 1949, as amended.

AGRICULTURAL CREDIT INSURANCE FUND

For an additional amount to reimburse the agricultural credit insurance fund for interest subsidies and losses sustained in prior years, but not previously reimbursed, in carrying out the provisions of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1988(a)), $297,032,000.

Loans.

Loans may be insured, or made to be sold and insured, under this fund in accordance with and subject to the provisions of 7 U.S.C. 1928–1929, or guaranteed, as follows: Real estate loans, $999,600,000, including not less than $920,000,000 for farm ownership loans of which $50,000,000 shall be guaranteed loans; and not less than $60,500,000 for water development, use, and conservation loans of which $6,000,000 shall be guaranteed loans; operating loans, $875,000,000 of which $25,000,000 shall be guaranteed loans; and emergency insured and guaranteed loans in amounts necessary to meet the needs resulting from natural disasters.

RURAL DEVELOPMENT INSURANCE FUND

For an additional amount to reimburse the rural development insurance fund for interest subsidies and losses sustained in prior years, but not previously reimbursed, in carrying out the provisions of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1988(a)), $143,282,000.

Loans.

7 USC 1929a, 1931-1933.

For loans to be insured, or made to be sold and insured, under this fund in accordance with and subject to the provisions of 7 U.S.C. 1928 and 86 Stat. 661-664, as follows: Insured water and sewer facility loans, $750,000,000; guaranteed industrial development loans, $741,000,000; and insured community facility loans, $260,000,000.

RURAL WATER AND WASTE DISPOSAL GRANTS

For grants pursuant to sections 306(a)(2) and 306(a)(6) of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1926), $200,000,000, to remain available until expended, pursuant to section 306(d) of the above Act.

VERY LOW-INCOME HOUSING REPAIR GRANTS

42 USC 1474.

For grants to the elderly pursuant to section 504 of the Housing Act of 1949, as amended, $25,000,000.

RURAL HOUSING FOR DOMESTIC FARM LABOR

For financial assistance to eligible nonprofit organizations for housing for domestic farm labor, pursuant to section 516 of the Housing Act of 1949, as amended (42 U.S.C. 1486), $25,000,000.

SELF-HELP HOUSING LAND DEVELOPMENT FUND

During 1981 and within the resources and authority available, gross obligations for the amount of direct loans shall not exceed $2,000,000.

For an additional amount to provide capitalization to the self-help housing land development fund under section 523(f) and (g), $1,000,000.

RURAL COMMUNITY FIRE PROTECTION GRANTS

16 USC 2106.

For grants pursuant to section 7 of the Cooperative Forestry Assistance Act of 1978 (Public Law 95-313), $3,500,000 to fund up to 50 per centum of the cost of organizing, training, and equipment for rural volunteer fire departments.

RURAL DEVELOPMENT PLANNING GRANTS

For rural development planning grants pursuant to section 306(a)(11) of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1926(a)(11)), $5,000,000.

RURAL HOUSING SUPERVISORY ASSISTANCE GRANTS

For grants pursuant to section 525(a) of the Housing Act of 1949, as amended (42 U.S.C. 1490(e)), $1,500,000.

RURAL DEVELOPMENT GRANTS

For grants pursuant to section 310B(c) of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1932), $5,000,000.

SALARIES AND EXPENSES

For necessary expenses of the Farmers Home Administration, not otherwise provided for, in administering the programs authorized by the Consolidated Farm and Rural Development Act (7 U.S.C. 1921-1995), as amended; title V of the Housing Act of 1949, as amended (42 U.S.C. 1471-1490h); the Rural Rehabilitation Corporation Trust Liquidation Act, approved May 3, 1950 (40 U.S.C. 440-444), for administering the loan program authorized by title IIIA of the Economic Opportunity Act of 1964 (Public Law 88-452, approved August 20, 1964), as amended, and such other programs for which Farmers Home Administration has the responsibility for administering, $244,984,000, including $1,730,000 for the coordination of rural development activities as authorized by section 603 of the Rural Development Act of 1972, together with not more than $3,000,000 of the charges collected in connection with the insurance of loans as authorized by section 309(e) of the Consolidated Farm and Rural Development Act, as amended, and section 517(i) of the Housing Act of 1949, as amended, or in connection with charges made on borrowers under section 502(a) of the Housing Act of 1949, as amended: *Provided*, That, in addition, not to exceed $500,000 of the funds available for the various programs administered by this agency may be transferred to this appropriation for temporary field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), to meet unusual or heavy workload increases: *Provided further*, That not to exceed $500,000 of this appropriation may be used for employment under 5 U.S.C. 3109.

42 USC 2841.

7 USC 2201, 2204, 2204a.

7 USC 1929.

42 USC 1487.

42 USC 1472.

Rural Electrification Administration

To carry into effect the provisions of the Rural Electrification Act of 1936, as amended (7 U.S.C. 901-950(b)), as follows:

RURAL ELECTRIFICATION AND TELEPHONE REVOLVING FUND LOAN AUTHORIZATIONS

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936, as amended (7 U.S.C. 935), shall be made as follows: Rural electrification loans, not less than $850,000,000, nor more than $1,100,000,000, and rural telephone loans, not less than $250,000,000, nor more than $325,000,000, to remain available until expended: *Provided*, That loans made pursuant to section 306 of that Act are in addition to these amounts.

7 USC 936.

RURAL TELEPHONE BANK

For the purchase of Class A stock of the Rural Telephone Bank, $22,500,000, to remain available until expended (7 U.S.C. 901-950(b)).

The Rural Telephone Bank is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to such corporation in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out its authorized

31 USC 849.

programs for the current fiscal year. During 1981, and within the resources and authority available, gross obligations for the principal amount of direct loans shall be not less than $160,000,000 nor more than $220,000,000.

RURAL COMMUNICATION DEVELOPMENT FUND

For loans to be insured, or made to be sold and insured, under this fund in accordance with and subject to the provisions of the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1928 and 86 Stat. 661-664 as follows: Community Antenna Television loans under section 306 of the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1926, $10,000,000. Community Antenna Television loans under section 310B of the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1932, $24,000,000.

7 USC 1929a. 1931-1933.

SALARIES AND EXPENSES

For administrative expenses to carry out the provisions of the Rural Electrification Act of 1936, as amended (7 U.S.C. 901-950(b)), and to carry out a loan and loan guarantee program for Community Antenna Television facilities as authorized by the Consolidated Farm and Rural Development Act (7 U.S.C. 1921-1995), including not to exceed $7,000 for financial and credit reports, funds for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $150,000 for employment under 5 U.S.C. 3109, $27,719,000.

Conservation

Soil Conservation Service

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C 590a-590f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant material centers; classification and mapping of soil; dissemination of information; purchase and erection or alteration of permanent buildings; and operation and maintenance of aircraft, $293,001,000, of which not less than $3,396,000 is for snow survey and water forecasting and not less than $2,933,000 is for operation of the plant materials centers: *Provided*, That the cost of any permanent building purchased, erected, or as improved, exclusive of the cost of constructing a water supply or sanitary system and connecting the same to any such building and with the exception of buildings acquired in conjunction with land being purchased for other purposes, shall not exceed $5,000, except for one building to be constructed at a cost not to exceed $50,000 and eight buildings to be constructed or improved at a cost not to exceed $30,000 per building and except that alterations or improvements to other existing permanent buildings costing $5,000 or more may be made in any fiscal year in an amount not to exceed $1,000 per building: *Provided further*, That no part of this appropriation shall be available for the construction of any such building on

16 USC 590e-1.

land not owned by the Government: *Provided further,* That no part of this appropriation may be expended for soil and water conservation operations under the Act of April 27, 1935 (16 U.S.C. 590a–590f) in demonstration projects: *Provided further,* That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225) and not to exceed $25,000 shall be available for employment under 5 U.S.C. 3109: *Provided further,* That qualified local engineers may be 16 USC 590e-2. temporarily employed at per diem rates to perform the technical planning work of the Service.

RIVER BASIN SURVEYS AND INVESTIGATIONS

For necessary expenses to conduct research, investigations, and surveys of the watersheds of rivers and other waterways, in accordance with section 6 of the Watershed Protection and Flood Prevention Act, approved August 4, 1954, as amended (16 U.S.C. 1006–1009), $17,442,000: *Provided,* That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $60,000 shall be available for employment under 5 U.S.C. 3109.

WATERSHED PLANNING

For necessary expenses for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. 1001–1008), $10,000,000: *Provided,* That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $50,000 shall be available for employment under 5 U.S.C. 3109.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act, approved August 4, 1954, as amended (16 U.S.C. 1001–1005, 1007–1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), and in accordance with the provisons of laws relating to the activities of the Department, $192,524,000 (of which $23,500,000 shall be available for the watersheds authorized under the Flood Control Act, approved June 22, 1936 (33 U.S.C. 701, 16 U.S.C. 1006a), as 33 USC 701a. amended and supplemented): *Provided,* That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $10,000,000 shall be available for emergency measures as provided by sections 403–405 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203–2205) and not to exceed $200,000 shall be available for employment under 5 U.S.C. 3109: *Provided further,* That $26,000,000 in loans may be insured, or made to be sold and insured, under the Agricultural Credit Insurance Fund of the Farmers Home Administration (86 Stat. 663): *Provided further,* That not to exceed $1,000,000 7 USC 1929. of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93-205), as amended, 16 USC 1531 note. including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction.

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended (7 U.S.C. 1010-1011; 76 Stat. 607), and the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-f), $34,046,000, of which $300,000 shall be for the authorization of 4 new areas: *Provided*, That $4,000,000 in loans may be insured, or made to be sold and insured, under the Agricultural Credit Insurance Fund of the Farmers Home Administration (86 Stat. 663): *Provided further*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $50,000 shall be available for employment under 5 U.S.C. 3109.

7 USC 1929.

GREAT PLAINS CONSERVATION PROGRAM

For necessary expenses to carry into effect a program of conservation in the Great Plains area, pursuant to section 16(b) of the Soil Conservation and Domestic Allotment Act, as added by the Act of August 7, 1956, as amended (16 U.S.C. 590p(b)), $20,000,000, to remain available until expended.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

AGRICULTURAL CONSERVATION PROGRAM

For necessary expenses to carry into effect the program authorized in sections 7 to 15, 16(a), and 17 of the Soil Conservation and Domestic Allotment Act, approved February 29, 1936, as amended and supplemented (16 U.S.C. 590g-590o, 590p(a), and 590q), and sections 1001-1008, and 1010 of the Agricultural Act of 1970, as added by the Agriculture and Consumer Protection Act of 1973 (16 U.S.C. 1501-1508, and 1510), and including not to exceed $15,000 for the preparation and display of exhibits, including such displays at State, interstate, and international fairs within the United States, $190,000,000 to remain available until expended for agreements, excluding administration but including technical assistance and related expenses, except that no participant in the Agricultural Conservation Program shall receive more than $3,500, except where the participants from two or more farms or ranches join to carry out approved practices designed to conserve or improve the agricultural resources of the community: *Provided*, That no portion of the funds for the current year's program may be utilized to provide financial or technical assistance for drainage on wetlands now designated as Wetland Types 3 (III) through 20 (XX) in United States Department of the Interior, Fish and Wildlife Circular 39, Wetlands of the United States, 1956: *Provided further*, That such amounts shall be available for the purchase of seeds, fertilizers, lime, trees, or any other conservation material, or any soil-terracing services, and making grants thereof to agricultural producers to aid them in carrying out approved farming practices as authorized by the Soil Conservation and Domestic Allotment Act, as amended, as determined and recommended by the county committees, approved by the State committees

16 USC 590q.

and the Secretary, under programs provided for herein: *Provided further,* That such assistance will not be used for carrying out measures and practices that are primarily production-oriented or that have little or no conservation or pollution abatement benefits: *Provided further,* That not to exceed 5 per centum of the allocation for the current year's program for any county may, on the recommendation of such county committee and approval of the State committee, be withheld and allotted to the Soil Conservation Service for services of its technicians in formulating and carrying out the Agricultural Conservation Program in the participating counties, and shall not be utilized by the Soil Conservation Service for any purpose other than technical and other assistance in such counties, and in addition, on the recommendation of such county committee and approval of the State committee, not to exceed 1 per centum may be made available to any other Federal, State, or local public agency for the same purpose and under the same conditions: *Provided further,* That for the current year's program $2,500,000 shall be available for technical assistance in formulating and carrying out rural environmental practices: *Provided further,* That no part of any funds available to the Department, or any bureau, office, corporation, or other agency constituting a part of such Department, shall be used in the current fiscal year for the payment of salary or travel expenses of any person who has been convicted of violating the Act entitled "An Act to prevent pernicious political activities", approved August 2, 1939, as amended, or who has been found in accordance with the provisions of title 18 U.S.C. 1913, to have violated or attempted to violate such section which prohibits the use of Federal appropriations for the payment of personal services or other expenses designed to influence in any manner a Member of Congress to favor or oppose any legislation or appropriation by Congress except upon request of any Member or through the proper official channels.

53 Stat. 1147.

RURAL CLEAN WATER PROGRAM

For necessary expenses for carrying out an experimental Rural Clean Water Program, $20,000,000, to remain available until expended and to be targeted at areas with identified and significant agricultural nonpoint source water pollution problems to be selected by the Secretary: *Provided,* That practices under the above program shall be recommended by the County Committees, approved by the State Committees and the Secretary, with the concurrence of the Administrator of the Environmental Protection Agency, or recommended by the Secretary, with the concurrence of the Administrator of the Environmental Protection Agency, and approved by the State Committees and the County Committees: *Provided further,* That such program shall be in addition to the regular Agricultural Conservation Program, and coordinated therewith, with the Soil Conservation Service and others providing technical assistance and the Agricultural Stabilization and Conservation Service providing administrative services for the program, including, but not limited to, the negotiation and administration of contracts and the disbursement of payments: *Provided further,* That such funds as may be required shall be transferred to the Soil Conservation Service,.or others, for necessary technical assistance.

Funds, transfer.

FORESTRY INCENTIVES PROGRAM

For necessary expenses, not otherwise provided for, to carry out the program of forestry incentives, as authorized in the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101), including technical assistance and related expenses, $12,500,000, to remain available until expended, as authorized by that Act.

WATER BANK PROGRAM

For necessary expenses to carry into effect the provisions of the Water Bank Act (16 U.S.C. 1301–1311), $10,000,000, to remain available until expended.

EMERGENCY CONSERVATION PROGRAM

For necessary expenses to carry into effect the program authorized in sections 401, 402, and 404 of title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201–2205), $10,000,000, to remain available until expended, as authorized by 16 U.S.C. 2204.

TITLE III—DOMESTIC FOOD PROGRAMS

Food and Nutrition Service

CHILD NUTRITION PROGRAMS

Funds, transfer.
42 USC 1772.
42 USC 1755.
42 USC 1776a.
42 USC 1776.
42 USC 1751 note, 1771 note.
42 USC 1776b.
42 USC 1776.
42 USC 1761.

For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751–1761, and 1766), and the applicable provisions other than section 3 of the Child Nutrition Act of 1966 (42 U.S.C. 1773–1785, and 1787); $3,638,776,000, of which $1,759,123,000 is hereby appropriated, and $1,879,653,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), including $80,000,000 for purchase and distribution of agricultural commodities and other foods pursuant to section 6 of the National School Lunch Act: *Provided*, That of the foregoing total amount there shall be available $15,000,000 for the food service equipment assistance program: *Provided further*, That funds provided herein shall remain available until September 30, 1982: *Provided further*, That only claims for reimbursement for meals served after September 1, 1980 submitted to State agencies prior to January 1982, shall be eligible for reimbursement: *Provided further*, That funds appropriated for the purpose of section 7 of the Child Nutrition Act of 1966 shall be allocated among the States but the distribution of such funds to an individual State is contingent upon that State's agreement to participate in studies and surveys of programs authorized under the National School Lunch Act and the Child Nutrition Act of 1966 when such studies and surveys have been directed by the Congress and requested by the Secretary of Agriculture: *Provided further*, That if the Secretary of Agriculture determines that a State's administration of any program under the National School Lunch Act or the Child Nutrition Act of 1966 (other than section 17), or the regulations issued pursuant to these Acts, is seriously deficient, and the State fails to correct the deficiency within a specified period of time, the Secretary may withhold from the State some or all of the funds allocated to the State under section 7 of the Child Nutrition Act of 1966 and under section 13(k)(1) of the National School Lunch Act; upon a subsequent determination by the Secretary that the programs are operated in an acceptable manner some or all of the funds withheld may be allocated: *Provided further,* That no part of the funds appropriated in this Act for the summer food service program shall be available for payments to service institutions other than to: (1) public service institutions, (2) private nonprofit service institutions including residential camps which use self-preparation facilities to prepare meals or obtain meals from a public facility, such as a school district, public hospital, or State university, (3) private nonprofit schools including colleges and universities, (4) private nonprofit migrant farmworker organizations including those that purchase meals from a food service management company, (5) private nonprofit service institutions which serve not more than 500 children daily at not more than three sites and which purchase meals from a food service management company, and (6) in areas where no service institutions delineated in items (1) through (5) are available to operate the program, private nonprofit service institutions which purchase meals from a food service management company, determined by the Secretary of Agriculture to have a record of reliable and honest community service in feeding programs: *Provided further,* That none of the funds appropriated in this Act shall be used to provide meal services at or for Job Corps Centers: *Provided further,* That $285,000,000 of the amount appropriated herein shall be held in reserve until the Omnibus Reconciliation Act of 1980 is enacted or the 96th Congress adjourns sine die: *Provided further,* That upon enactment of the Omnibus Reconciliation Act of 1980, which requires reductions in Child Nutrition Program levels, $285,000,000 of the amount herein appropriated shall be hereby rescinded, and the program level shall be reduced by a similar amount: *Provided further,* That, of the funds provided herein for the school lunch program, there shall be available $1,975,000 with which the Secretary shall conduct a 3-year pilot project study in 60 school districts of all cash assistance and all commodity letter of credit assistance in lieu of commodities for the school lunch programs operated in such districts.

Ante, p. 2599.

SPECIAL MILK PROGRAM

For necessary expenses to carry out the special milk program, as authorized by section 3 of the Child Nutrition Act of 1966 (42 U.S.C. 1772), $118,800,000, to remain available until September 30, 1982: *Provided,* That only claims for reimbursement for milk served during fiscal year 1981 submitted to State agencies prior to January 1, 1982, shall be eligible for reimbursement: *Provided further,* That none of the funds appropriated in this Act may be used for payments which exceed 5 cents per half-pint of milk served after September 1, 1980, which is served to children who are not eligible for free milk and which is served in schools, child care institutions, and summer camps participating in meal service programs authorized under the National School Lunch Act and the Child Nutrition Act of 1966.

42 USC 1751 note, 1771 note.

SPECIAL SUPPLEMENTAL FOOD PROGRAMS (WIC)

For necessary expenses to carry out the special supplemental food program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), and the commodity supplemental food program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c (note)), $927,040,000: *Provided,* That funds provided herein shall remain available until September 30, 1982.

FOOD STAMP PROGRAM

For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011-2027), $9,451,276,000: *Provided*, That funds provided herein shall remain available until September 30, 1981, in accordance with section 18(a) of the Food Stamp Act: *Provided further*, That up to 5 per centum of the foregoing amount may be placed in reserve to be apportioned pursuant to section 3697 of the Revised Statutes, as amended, for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided further*, That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act.

7 USC 2027.

31 USC 665.

7 USC 2025.

For an additional amount to carry out the Food Stamp Act (7 U.S.C. 2011-2027), $288,000,000, should it become necessary after the Secretary has employed the regulatory and administrative methods available to him under the law to curtail fraud, waste and abuse in the program: *Provided*, That funds provided herein shall remain available until September 30, 1981.

FOOD DONATIONS PROGRAMS

For necessary expenses to carry out section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c (note)), and section 311 of the Older Americans Act of 1965 (42 U.S.C. 303a), $128,660,000.

42 USC 3030a.

FOOD PROGRAM ADMINISTRATION

For necessary administrative expenses of the Domestic Food Programs funded under this Act, $84,000,000; of which $5,000,000 shall be available only for simplifying procedures, reducing overhead costs, tightening regulations, improving food stamp coupon handling, and assistance in the prevention, identification and prosecution of fraud and other violations of law: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $150,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That no funds appropriated in this or any other Act shall be used by the Secretary to administer directly in any State any program authorized under the National School Lunch Act or the Child Nutrition Act of 1966 that the Secretary did not directly administer in fiscal year 1980.

42 USC 1751 note.
42 USC 1771 note.

TITLE IV—INTERNATIONAL PROGRAMS

FOREIGN AGRICULTURAL SERVICE

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954 (7 U.S.C. 1761-1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed $75,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $60,535,000: *Provided*, That not less than $255,000 of the funds contained in this appropriation shall be available to obtain statistics and related facts on foreign production and full and complete information on methods used by other countries to move farm commodities in world trade on a competitive basis.

Office of International Cooperation and Development

For necessary expenses of the Office of International Cooperation and Development to coordinate, plan and direct activities involving international development, technical assistance and training, international scientific and technical cooperation in the Department of Agriculture, $3,500,000, including those authorized by the Food and Agriculture Act of 1977 (7 U.S.C. 3291), and the Office may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1736) and the foreign assistance programs of the International Development Cooperation Administration (22 U.S.C. 2392).

PUBLIC LAW 480

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1701-1715, 1721-1726, 1727-1727f, 1731-1736g), as follows: (1) financing the sale of agricultural commodities for convertible foreign currencies and for dollars on credit terms pursuant to titles I and III of said Act, not more than $892,400,000, of which $406,330,000 is hereby appropriated and the balance derived from proceeds from sales of foreign currencies and dollar loan repayments, repayments on long-term credit sales and carryover balances; and (2) commodities supplied in connection with dispositions abroad, pursuant to title II of said Act, not more than $822,600,000, of which $822,600,000 is hereby appropriated and the balance to be derived from Commodity Credit Corporation funds and from carryover balances: *Provided*, That not to exceed 10 percent of the funds made available to carry out any title of this paragraph may be used to carry out any other title of this paragraph.

7 USC 1701, 1727.

7 USC 1721.

TITLE V—RELATED AGENCIES

Food and Drug Administration

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Food and Drug Administration; for payment of salaries and expenses for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18; for rental of special purpose space in the District of Columbia or elsewhere; for miscellaneous and emergency expenses of enforcement activities, authorized or approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $10,000; $321,035,000.

5 USC 5332 note.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $28,253,000.

Commodity Futures Trading Commission

For necessary expenses to carry out the provisions of the Commodity Exchange Act, as amended (7 U.S.C. 1 et seq.) including the purchase and hire of passenger motor vehicles; the rental of space (to include multiple year leases) in the District of Columbia and elsewhere; and not to exceed $25,000 for employment under 5 U.S.C. 3109, $17,966,000 to be available as authorized by law: *Provided*, That not to exceed $700 shall be available for official reception and representation expenses.

Farm Credit Administration

limitation on administrative expenses

Not to exceed $13,444,000 (from assessments collected from farm credit agencies) shall be obligated during the current fiscal year for administrative expenses including the hire of one passenger motor vehicle.

TITLE VI—GENERAL PROVISIONS

Consulting contracts.

Sec. 601. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

Passenger motor vehicles.

Sec. 602. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the fiscal year 1981 under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed six hundred eighty-nine (689) passenger motor vehicles of which six hundred fourteen (614) shall be for replacement only, and for the hire of such vehicles.

Uniforms.

Sec. 603. Funds available to the Department of Agriculture shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901-5902).

Contracts.
7 USC 1623a.

Sec. 604. Not less than $1,500,000 of the appropriations of the Department of Agriculture for research and service work authorized by the Acts of August 14, 1946, July 28, 1954, and September 6, 1958 (7 U.S.C. 427, 1621-1629; 42 U.S.C. 1891-1893), shall be available for contracting in accordance with said Acts.

Marihuana.

Sec. 605. No part of the funds contained in this Act may be used to make production or other payments to a person, persons, or corporations who harvest or knowingly permit to be harvested for illegal use, marihuana, or other such prohibited drug-producing plants on any part of lands owned or controlled by such persons or corporations.

Advance funds.

Sec. 606. Advances of money from any appropriation for the Department of Agriculture may be made by authority of the Secretary of Agriculture to chiefs of field parties.

Working capital fund.

Sec. 607. The cumulative total of transfers to the Working Capital Fund for the purpose of accumulating growth capital for data services and National Finance Center operations shall not exceed $1,000,000: *Provided*, That no funds appropriated to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency administrator.

Sec. 608. New obligational authority provided for the following appropriation items in this Act shall remain available until expended: Scientific Activities Overseas (Special Foreign Currency

7 USC 1691 note.

Program); Public Law 480; Rural Housing for Domestic Farm Labor; Watershed and Flood Prevention Operations; Resource Conservation and Development; Agricultural Stabilization and Conservation Service Salaries and Expenses funds made available to county committees; and Buildings and Facilities, Food and Drug Administration.

Fiscal year limitation.

SEC. 609. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Orientation and language training.
7 USC 1762.

SEC. 610. Not to exceed $50,000 of the appropriations available to the Department of Agriculture shall be available to provide appropriate orientation and language training pursuant to Public Law 94-449.

Part-time and intermittent assistance.

SEC. 611. Notwithstanding any other provision of law, employees of the agencies of the Department of Agriculture, including employees of the Agriculture Stabilization and Conservation County Committees, may be utilized to provide part-time and intermittent assistance to other agencies of the Department, without reimbursement, during periods when they are not otherwise fully utilized.

SEC. 612. Funds provided by this Act for personnel compensation and benefits shall be available for obligation for that purpose only.

SEC. 613. No part of any appropriation contained in this Act shall be expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), pursuant to any obligation for services by contract, unless such executive agency has awarded and entered into such contract as provided by law.

Reports to congressional committees and OMB.

SEC. 614. Not later than 45 days after the end of each quarter of the fiscal year, the head of each department and establishment shall submit a report to the Committees on Appropriations and to the Director of the Office of Management and Budget, specifying the amount of obligations incurred during the quarter and the percentage of total available budget authority for the fiscal year which the obligations constitute.

Disapproved regulations.

SEC. 615. None of the funds appropriated or otherwise made available by this Act shall be available to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

Submittal to congressional committees.
31 USC 28.
31 USC 2.

SEC. 616. (a) For fiscal year 1982 and thereafter, a department or establishment—as defined in section 2 of the Budget and Accounting Act, 1921—shall submit annually to the House and Senate Appropriations Committees, as part of its budget justification, the estimated amount of funds requested for consulting services; the appropriation accounts in which such funds are located; and a brief description of the need for consulting services, including a list of major programs that require consulting services.

Submittal to Congress.

(b) For fiscal year 1982 and thereafter, the Inspector General of such department or establishment, or comparable official, or if there is no Inspector General or comparable official, the agency head or the agency head's designee, shall submit to the Congress along with the budget justification, an evaluation of the agency's progress to institute effective management controls and improve the accuracy and completeness of the data provided to the Federal Procurement Data System regarding consultant service contractual arrangements.

Beneficial ownership certificates.

SEC. 617. Certificates of beneficial ownership sold by the Farmers Home Administration in connection with the Agricultural Credit Insurance Fund, Rural Housing Insurance Fund, and the Rural Development Insurance Fund shall be not less than 75 per centum of the value of the loans closed during the fiscal year.

SEC. 618. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 per centum of the value of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

Fuel research funds, transfer.

SEC. 619. Within 60 days of enactment of this Act, the Department of Energy shall transfer $10,800,000 to the Department of Agriculture for biomass and alcohol fuels research in accordance with existing inter-agency agreements. This sum represents the total fiscal year 1981 funding for the Department of Energy's on-farm and herbaceous programs, the near-term silviculture program and on-farm alcohol stills.

Crop acreage.

SEC. 620. None of the funds appropriated in this Act shall be used to require producers to remain within their normal crop acreage to be eligible for price-support loans, target price protection, or disaster assistance with regard to the 1981 programs for cotton, wheat, feed grains, and rice under the Food and Agriculture Act of 1977, as amended (7 U.S.C. 1281): *Provided*, That any increases in acreage in 1981 shall not be used in determining normal crop acreage in future years.

Submittal to congressional committees.

SEC. 621. Departments and related agencies receiving appropriations in excess of $50,000,000 under this Act shall, within 30 days following enactment, submit to the Committees on Appropriations of the two Houses of Congress a schedule of anticipated outlays for each month of the fiscal year beginning October 1, 1980.

Watershed projects.
42 USC 1962 note.
16 USC 1001 note.
42 USC 1962 note.

SEC. 622. Notwithstanding any other provision of law, watershed projects under Public Law 83-566 are hereby exempted from the requirements of Executive Orders 12113 and 12141.

Approved December 15, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-1095 (Comm. on Appropriations) and No. 96-1519 (Comm. of Conference).
SENATE REPORT No. 96-1030 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 126 (1980):
July 29, 30, considered and passed House.
Nov. 25, considered and passed Senate, amended.
Dec. 4, House agreed to conference report; receded from its disagreement and concurred in certain Senate amendments and in others with amendments; Senate agreed to conference report and concurred in House amendments.

Public Law 96-529
96th Congress

Joint Resolution

Authorizing appropriation of funds for acquisition of a monument to Doctor Ralph J. Bunche and installation of such monument in Ralph J. Bunche Park in New York City.

Dec. 15, 1980
[H.J. Res. 205]

Whereas Doctor Ralph J. Bunche, winner of the Nobel Peace Prize and former Under Secretary of the United Nations, was a man of great vision and strength and was one of the most distinguished citizens of the United States and the world;

Whereas the proposed acquisition of a monument to Doctor Bunche (consisting of a fifty-foot, sculptured stainless steel obelisk) and its installation in Ralph J. Bunche Park in New York City is conceived as a symbol of man's renunciation of war and corruption and has been approved and endorsed by the United Nations Art Committee, the Visual Arts Committee of New York, and the New York City Parks Commission; and

Whereas the acquisition and installation of this monument will contribute to the artistic and cultural vitality of New York City and will combine the beauty and timeliness of art with a perspective of historical greatness, a hope for future prosperity and peace, and a tribute to a man whose illustrious career was a dedication to the achievement of world peace: Now, therefore, be it

Ralph J. Bunche. Monument acquisition. Appropriation authorization.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there are authorized to be appropriated not more than $45,000 to the Secretary of the Interior for payment to the Phelps-Stokes Fund of New York City for use by such Fund for acquisition and installation (including related landscaping) of a monument to Doctor Ralph J. Bunche.

Report to Congress.

(b) Not later than one year after the date on which funds are appropriated under this Act, the Phelps-Stokes Fund shall report to the Congress the amount and source of all sums used for acquisition and installation of such monument.

SEC. 2. The monument referred to in the first section shall consist of a fifty-foot, sculptured, stainless steel obelisk created by Daniel Johnson and named "Peace Form One", and shall be installed in Ralph J. Bunche Park in New York City.

Approved December 15, 1980.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 126 (1980):
Dec. 1, considered and passed House and Senate.

Public Law 96-530
96th Congress

An Act

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1981, and for other purposes.

Dec. 15, 1980
[H. R. 8061]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 1981, and for other purposes, namely:

District of Columbia Appropriation Act.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For payment to the District of Columbia for the fiscal year ending September 30, 1981, $295,400,000, as authorized by the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, as amended (D.C. Code 47-2501d); and $8,100,000 in lieu of reimbursements for charges for water and water services and sanitary sewer services furnished to facilities of the United States Government as authorized by the Act of May 18, 1954, as amended (D.C. Code 43-1541 and 1611).

For the Federal contribution to the Police Officers and Fire Fighters', Teachers' and Judges' Retirement Funds as authorized by the District of Columbia Retirement Reform Act, Public Law 96-122, approved November 17, 1979 (93 Stat. 866), $52,070,000.

For reimbursement for necessary expenses incurred in connection with inauguration activities as authorized by section 737(b) of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, approved December 24, 1973 (87 Stat. 824; D.C. Code, sec. 1-827(b)), $1,330,100.

For reimbursement for necessary expenses incurred in connection with demonstration activities as authorized by section 737(b) of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, approved December 24, 1973 (87 Stat. 824; D.C. Code, sec. 1-827(b)), $3,315,000.

LOANS TO THE DISTRICT OF COLUMBIA FOR CAPITAL OUTLAY

For loans to the District of Columbia, as authorized by the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, as amended, $130,567,600, which together with balances of previous appropriations for this purpose, shall remain available until expended and be advanced upon request of the Mayor: *Provided,* That during fiscal year 1981 and within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed $200,000,000.

D.C. Code 1-121 note.

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided:

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, $84,728,900: *Provided,* That not to exceed $2,500 for the Mayor and $2,500 for the Chairman of the Council of the District of Columbia shall be available from this appropriation for expenditures for official purposes: *Provided further,* That not to exceed $7,500 of this appropriation shall be available for test borings and soil investigations: *Provided further,* That not to exceed $500,000 of this appropriation shall be available for settlement of property damage claims not in excess of $1,500 each and personal injury claims not in excess of $5,000 each: *Provided further,* That $5,344,500 of the funds appropriated for the Department of General Services shall be apportioned and payable to the debt service fund for repayment of loans and interest incurred for capital improvement projects.

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, $29,111,800: *Provided,* That the Convention Center Board, established by section 3 of the Washington Convention Center Management Act of 1979, effective November 3, 1979 (D.C. Law 3-36; D.C. Code, sec. 9-602) shall reimburse the Auditor of the District of Columbia for all reasonable costs for performance of the annual convention center audit: *Provided further,* That $2,561,600 of the funds appropriated for the Washington Convention Center shall be apportioned and payable to the debt service fund for repayment of loans and interest incurred for capital improvement projects.

PUBLIC SAFETY AND JUSTICE

Public safety and justice, including purchase of one hundred and thirty-five passenger motor vehicles for replacement only (including one hundred and thirty for police-type use and five for fire-type use without regard to the general purchase price limitation for the current fiscal year); $352,705,600, of which $5,850,000 shall be payable from the revenue sharing trust fund: *Provided,* That the Police Department is authorized to replace not to exceed twenty-five passenger carrying vehicles, and the Fire Department not to exceed five such vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths the cost of the replacement: *Provided further,* That funds appropriated for expenses under the District of Columbia Criminal Justice Act, Public Law 93-412, approved September 3, 1974 (D.C. Code, section 11-2601 et seq.) for fiscal year 1981 shall be available for obligations incurred under that Act in each fiscal year since inception in fiscal year 1975: *Provided further,* That not to exceed $200,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: *Provided further,* That $50,000 of any appropriations available to the District of Columbia may be used to match financial contributions from the Department of Defense to the District of Columbia Office of Emergency Preparedness for the purchase of civil defense equipment and supplies approved by the Department of Defense, when authorized by the Mayor: *Provided further,* That $1,790,500 of the funds appropriated for the Metropolitan Police Department; $789,500 of the funds appropriated for the Fire Department; $4,157,400 of the funds appropriated for the Department of Corrections; and $3,322,400 of the funds appropriated for the Courts shall be apportioned and payable to the debt service fund for repayment of loans and interest incurred for capital improvement projects.

PUBLIC EDUCATION SYSTEM

Public education system, including the development of national defense education programs, $393,956,500, of which $8,750,000 shall be payable from the revenue sharing trust fund, to be allocated as follows: $275,599,700 for the District of Columbia Public Schools; $38,717,200 for the Teachers' Retirement and Annuity Fund; $60,266,600 for the University of the District of Columbia; $14,046,400 for the Public Library; $551,100 for the Commission on the Arts and Humanities; $90,500 for the Educational Institution Licensure Commission; and $4,685,000 for the School Transit Subsidy: *Provided,* That the District of Columbia Public Schools are authorized to accept not to exceed thirty-one motor vehicles for exclusive use in the driver education program: *Provided further,* That not to exceed $1,000 for the Superintendent of Schools and $2,500 for the President of the University of the District of Columbia shall be available from this appropriation for expenditures for official purposes: *Provided further,* That the $38,717,200 of this appropriation allocated for the Teachers' Retirement and Annuity Fund shall be transferred to the Teachers' Retirement and Annuity Fund, in accordance with the provisions of section 7 of An Act for the retirement of public-school teachers in the District of Columbia, approved August 7, 1946 (60 Stat. 879; D.C. Code section 31-727): *Provided further,* That not less than $7,257,800 of this appropriation shall be used exclusively for maintenance of the public schools: *Provided further,* That $29,810,400 of the funds appropriated for the District of Columbia Public Schools, $7,673,800 of the funds appropriated for the University of the District of Columbia, and $2,803,200 of the funds appropriated for the Public Library shall be apportioned and payable to the debt service fund for repayment of loans and interest incurred for capital improvement projects.

HUMAN SUPPORT SERVICES

Human support services, including care and treatment of indigent patients in institutions under contracts to be made by the Director of the Department of Human Resources, $381,742,000, of which $8,200,000 shall be payable from the revenue sharing trust fund: *Provided,* That the inpatient rate under such contracts shall not exceed $76 per diem and the outpatient rate shall not exceed $12 per visit except for services provided to patients who are eligible for such services under the District of Columbia plan for medical assistance under title XIX of the Social Security Act, approved July 30, 1965 (79 Stat. 343; 42 U.S.C. 1396 et seq.) and the inpatient rate (excluding the proportionate share for repairs and construction) for services rendered by Saint Elizabeths Hospital for patient care shall be at the per diem rate established pursuant to section 2 of An Act to authorize certain expenditures from the appropriation of Saint Elizabeths Hospital, and for other purposes, approved August 4, 1947 (61 Stat. 751; 24 U.S.C. 168a): *Provided further,* That total reimbursements to

D.C. Code
32-406a.

Saint Elizabeths Hospital, including funds from title XIX of the Social Security Act, approved July 30, 1965 (79 Stat. 343; 42 U.S.C. 1396 et seq.) shall not exceed $21,348,700: *Provided further,* That $5,807,100 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: *Provided further,* That none of the funds appropriated for the summer youth jobs program shall be obligated until the Subcommittees on District of Columbia Appropriations of the House of Representatives and the Senate have approved a plan submitted by the Mayor and the City Council detailing proposed expenditures: *Provided further,* That $2,107,200 of the funds appropriated for the Department of Recreation, $3,121,300 of the funds appropriated for the Department of Human Services, $1,302,000 of the funds appropriated for the District of Columbia General Hospital, and $1,947,600 of the funds appropriated for District of Columbia Obligations shall be apportioned and payable to the debt service fund for repayment of loans and interest incurred for capital improvement projects.

TRANSPORTATION SERVICES AND ASSISTANCE

Transportation services and assistance, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and purchase of sixteen passenger-carrying vehicles, for replacement only, $147,919,000, of which $2,500,000 shall be payable from the revenue sharing trust fund: *Provided,* That this appropriation shall not be available for the purchase of driver-training vehicles: *Provided further,* That $13,743,200 of the funds appropriated for the Department of Transportation and $26,471,400 of the funds appropriated for the Washington Metropolitan Area Transit Authority shall be apportioned and payable to the debt service fund for repayment of loans and interest incurred for capital improvement projects.

ENVIRONMENTAL SERVICES AND SUPPLY

Environmental services and supply, $43,126,000, of which $1,000,000 shall be payable from the revenue sharing trust fund: *Provided,* That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business or from apartment houses with four or more apartments, or from any building or connected group of buildings operating as a rooming or boarding house as defined in the housing regulations of the District of Columbia: *Provided further,* That $10,848,300 of the funds appropriated for the Department of Environmental Services shall be apportioned and payable to the debt service fund for repayment of loans and interest incurred for capital improvement projects.

INAUGURAL EXPENSES

For reimbursement for necessary expenses incurred in connection with inauguration activities as authorized by section 737(b) of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, approved December 24, 1973 (87 Stat. 824; D.C. Code, sec. 1-827(b)), $1,330,100.

DEMONSTRATION EXPENSES

For reimbursement for necessary expenses incurred in connection with demonstration activities as authorized by section 737(b) of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, approved December 24, 1973 (87 Stat. 824; D.C. Code, sec. 1-827(b)), $3,315,000.

WATER AND SEWER ENTERPRISE FUND

For establishment of the Water and Sewer Enterprise Fund, $82,190,200: *Provided*, That $14,937,500 of the funds appropriated to the Water and Sewer Enterprise Fund shall be apportioned and payable to the debt service fund for repayment of loans and interest incurred for capital improvement projects.

CAPITAL OUTLAY

For construction projects as authorized by An Act Authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, approved April 22, 1904 (33 Stat. 244; D.C. Code section 43-1510 et seq.); the District of Columbia Public Works Act of 1954, approved May 18, 1954 (68 Stat. 101); An Act To authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; D.C. Code, section 9-220); An Act To amend the District of Columbia Motor Vehicle Parking Facility Act of 1942, as amended, approved August 20, 1958 (72 Stat. 686); and the National Capital Transportation Act of 1969, approved December 9, 1969 (83 Stat. 321; D.C. Code, sections 1-1443 and 9-220(b)(3)); including acquisition of sites; preparation of plans and specifications; conducting preliminary surveys; erection of structures, including building improvement and alteration and treatment of grounds; to remain available until expended, $220,908,400: *Provided*, That $2,813,300 shall be available for project management and $2,516,600 for design by the Director of the Department of General Services or by contract for architectural engineering services, as may be determined by the Mayor, and that the funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: *Provided further*, That all such funds shall be available only for the specific projects and purposes intended: *Provided further*, That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968, Public Law 90-495, approved August 23, 1968 (82 Stat. 827, D.C. Code, section 7-135 note), for which funds are provided by this paragraph, shall expire on September 30, 1982, except authorizations for projects as to which funds have been obligated in whole or in part prior to such date. Upon expiration of any such project authorization the funds provided herein for such project shall lapse.

D.C. Code 43-1601 note.

D.C. Code 40-804.

D.C. Code 1-1441 note.

GENERAL PROVISIONS

Consulting services.

SEC. 101. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5

U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

Vouchers.

SEC. 102. Except as otherwise provided in this Act, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by the designated certifying official and the vouchers as approved shall be paid by checks issued by the designated disbursing official.

Maximum allowances.

SEC. 103. Whenever in this Act an amount is specified within an appropriation for particular purposes or object of expenditures, such amount, unless otherwise specified, shall be considered as the maximum amount which may be expended for said purpose or object rather than an amount set apart exclusively therefor.

Automobile and motorcycle allowances.

SEC. 104. Appropriations in this Act shall be available, when authorized or approved by the Mayor, for allowances for privately owned automobiles and motorcycles used for the performance of official duties at rates established by the Mayor: *Provided*, That such rates shall not exceed the maximum prevailing rates for such vehicles as prescribed from time to time in the Federal Travel Regulations.

Travel expenses and organization dues.

SEC. 105. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: *Provided*, That the Council of the District of Columbia may expend such funds without authorization by the Mayor.

Taxicab regulation.

SEC. 106. Appropriations in this Act shall not be used for or in connection with the preparation, issuance, publication, or enforcement of any regulation or order of the Public Service Commission requiring the installation of meters in taxicabs, or for or in connection with the licensing of any vehicle to be operated as a taxicab except for operation in accordance with such system of uniform zones and rates and regulations applicable thereto as shall have been prescribed by the Public Service Commission.

Judgement payments.

SEC. 107. There are hereby appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments which have been entered against the government of the District of Columbia: *Provided*, That nothing contained in this section shall be construed as modifying or affecting the provisions of paragraph 3, subsection (c) of section 11 of title XII of the District of Columbia Income and Franchise Tax Act of 1947, approved July 16, 1947 (61 Stat. 355; D.C. Code, section 47-1586j), as amended.

D.C. Code 3-204 note.

SEC. 108. Appropriations in this Act shall be available for the payment of public assistance without reference to the requirement of section 5(b) of the District of Columbia Public Assistance Act of 1962, approved October 15, 1962 (76 Stat. 915; D.C. Code, section 3-204) and for the non-Federal share of funds necessary to qualify for Federal assistance under the Juvenile Delinquency Prevention and Control Act of 1968, Public Law 90-445, approved July 31, 1968 (82 Stat. 462; 42 U.S.C. 3801).

Fiscal year limitation.

SEC. 109. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Overtime and temporary positions, cost limitation.

SEC. 110. Not to exceed 4½ per centum of the total of all funds appropriated by this Act for personal compensation may be used to pay the cost of overtime or temporary positions.

Travel expenditure limitation.

SEC. 111. The total expenditure of funds appropriated by this Act for authorized travel and per diem costs outside the District of Columbia, Maryland, and Virginia shall not exceed $225,000.

Employment limitation.
D.C. Code 1-216 note.

SEC. 112. Appropriations in this Act shall not be available, during the fiscal year ending September 30, 1981, for the compensation of any person appointed—

(1) as a full-time employee to a permanent, authorized position in the government of the District of Columbia during any month when the number of such employees is greater than 35,313: *Provided*, That—

(A) positions within this city employment limitation shall be set aside as the maximum number of permanent, authorized employees as follows: Appropriated positions, 31,005 of which 8,869 shall be for Public Schools; intra-District positions, 1,952; District of Columbia General Hospital, 2,356; and

(B) the District of Columbia Public Schools and the District of Columbia General Hospital shall not exceed their respective employment limitations and are hereby required to report monthly to the Mayor, for the purpose of maintaining controls on city-wide employment, regarding the total number of current employees and the total number of separations and filling of positions within their respective employment limitations; or

(2) as a temporary or part-time employee in the government of the District of Columbia during any month in which the number of such employees exceeds the number of such employees for the same month of the preceding fiscal year.

Partisan political activities.

SEC. 113. No funds appropriated in this Act for the government of the District of Columbia for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

D.C. annual budget, transmittal to Congress.

SEC. 114. The annual budget for the District of Columbia government for fiscal year 1982 shall be transmitted to the Congress by not later than February 1, 1981. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the government of the District of Columbia whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations or their duly authorized representatives.

SEC. 115. There are hereby appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977, effective September 23, 1977 (D.C. Law 2-20; D.C. Code, section 47-331 et seq.).

SEC. 116. None of the funds contained in this Act shall be made available to pay the salary of any employee of the government of the District of Columbia whose name and salary are not available for public inspection.

Congressional or State legislation, partisan publicity.

SEC. 117. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

Abortion funding.

SEC. 118. None of the Federal funds provided in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims of rape or incest, when such rape or incest has been reported promptly to a law enforcement agency or public health service. Nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy.

Short title.

This Act may be cited as the "District of Columbia Appropriation Act."

Approved December 15, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-1271 (Comm. on Appropriations) and No. 96-1477 (Comm. of Conference).
SENATE REPORT No. 96-969 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 126 (1980):
- Sept. 3, considered and passed House.
- Nov. 17, considered and passed Senate, amended.
- Dec. 2, House agreed to conference report; receded from its disagreement and concurred in certain Senate amendments and in others with amendments.
- Dec. 4, Senate agreed to conference report and concurred in House amendments.

Public Law 96-531
96th Congress

An Act

To provide that the park referred to as the East Lake Park located within the West Point Lake project on the Chattahoochee River, Georgia, shall hereafter be known and designated as the "R. Shaefer Heard Park".

Dec. 15, 1980
[H.R. 6243]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the East Lake Park, located within the West Point Lake project on the Chattahoochee River, Georgia, shall hereafter be known and designated as the "R. Shaefer Heard Park".

R. Shaefer Heard Park, Ga. Designation.

SEC. 2. Any reference in any law, map, regulation, document, record, or other paper of the United States to such park shall be deemed to be a reference to such park as the "R. Shaefer Heard Park".

Approved December 15, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1332 (Comm. on Public Works and Transportation).
CONGRESSIONAL RECORD, Vol. 126 (1980):
Sept. 29, considered and passed House.
Dec. 2, considered and passed Senate.

Public Law 96-532
96th Congress

An Act

Dec. 15, 1980

[S. 2134]

To provide for the acquisition of certain property in square 758 in the District of Columbia as an addition to the grounds of the United States Supreme Court Building.

U.S. Supreme Court Building, property acquisition.
Location.
40 USC 13 p note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Architect of the Capitol is authorized to acquire on behalf of the United States by purchase, condemnation, transfer, or otherwise, as an addition to the grounds of the United States Supreme Court Building, all privately owned real property contained in lots 2, 3, 800, 801, and 802 in square 758 in the District of Columbia, as such lots appear on the records in the office of the Surveyor of the District of Columbia as of the date of the enactment of this Act.

40 USC 13 p note.
42 USC 4601 note.

SEC. 2. The acquisition of real property under this Act shall be conducted in accordance with the Act entitled "Uniform Relocation Assistance and Land Acquisition Policies Act of 1970", Public Law 91-646, approved January 2, 1971, and any proceeding for condemnation brought in its course shall be conducted in accordance with the Act entitled "An Act to provide for the acquisition of land in the District of Columbia for the use of the United States", approved March 1, 1929 (16 D.C. Code, secs. 1351-1368).

40 USC 13 p note.

SEC. 3. Upon acquisition of such real property by the Architect of the Capitol, on behalf of the United States, such property shall become a part of the grounds of the United States Supreme Court Building and shall be subject to all of the provisions of the Act of May 7, 1934 (40 U.S.C. 13a through 13p), as amended.

Expenditures.
40 USC 13 p note.

SEC. 4. The Architect of the Capitol is authorized to enter into contracts and to make expenditures for grading and paving and such other expenditures, including expenditures for personal and other services, as may be necessary to carry out the purposes of this Act.

Appropriation authorization.
40 USC 13 p note.

SEC. 5. There is hereby authorized to be appropriated the sum of $645,000 for fiscal year 1981 for the purpose of carrying out the provisions of this Act, said appropriation to remain available until expended.

Approved December 15, 1980.

LEGISLATIVE HISTORY:

SENATE REPORT No. 96-696 (Comm. on Environment and Public Works).
CONGRESSIONAL RECORD, Vol. 126 (1980):
  May 16, considered and passed Senate.
  Dec. 4, considered and passed House.

Public Law 96-533
96th Congress

An Act

To authorize appropriations for the fiscal year 1981 for international security and development assistance, the Peace Corps, and refugee assistance, and for other purposes.

Dec. 16, 1980
[H.R. 6942]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

International Security and Development Cooperation Act of 1980.
22 USC 2151 note.

SHORT TITLE

SECTION 1. This Act may be cited as the "International Security and Development Cooperation Act of 1980".

TITLE I—MILITARY AND RELATED ASSISTANCE AND SALES PROGRAMS

THIRD COUNTRY TRANSFERS

SEC. 101. (a)(1) Section 3(d) of the Arms Export Control Act is amended—

22 USC 2753.

(A) by redesignating existing paragraph (3) as paragraph (4); and

(B) by inserting the following new paragraph (3) immediately after paragraph (2):

Report to Congress.

"(3) The President may not give his consent to the transfer to a third country of a defense article or a defense service valued (in terms of its original acquisition costs) at $25,000,000 or more, or of major defense equipment valued (in terms of its original acquisition costs) at $7,000,000 or more, the export of which has been licensed or approved under section 38 of this Act, unless at least 30 calendar days before giving such consent the President submits to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate a report containing the information specified in subparagraphs (A) through (E) of paragraph (1).".

22 USC 2778.

(2) Such section is further amended—

(A) in the last sentence of paragraph (1) by striking out "subsection" and inserting in lieu thereof "paragraph"; and

(B) in paragraph (2) by inserting "paragraph (1) of" immediately before "this subsection".

(b) Paragraph (4) of section 3(d) of such Act, as so redesignated by subsection (a)(1)(A) of this section, is amended—

(1) by striking out "or" at the end of subparagraph (B);

(2) by striking out the period at the end of clause (ii) of subparagraph (C) and inserting in lieu thereof "; or"; and

(3) by adding at the end thereof the following new subparagraph:

"(D) to transfers to the North Atlantic Treaty Organization, any member country of such Organization, Japan, Australia, or New Zealand, of any major defense equipment valued (in terms of its original acquisition cost) at less than $7,000,000 or of any defense article or related training or other defense service valued (in terms of its original acquisition cost) at less than $25,000,000.".

PERFORMANCE OF DEFENSE SERVICES

22 USC 2761.

SEC. 102. Section 21(c) of the Arms Export Control Act is amended—

(1) by striking out "training, advising, or otherwise providing assistance regarding combat activities" and inserting in lieu thereof "training and advising that may engage United States personnel in combat activities";

(2) by inserting "(1)" immediately after "(c)"; and

(3) by adding at the end thereof the following:

Report to Congress.

22 USC 2151 note.

"(2) Within 48 hours after the outbreak of significant hostilities involving a country in which United States personnel are performing defense services pursuant to this Act or the Foreign Assistance Act of 1961, the President shall submit to the Speaker of the House of Representatives and to the President pro tempore of the Senate a report, in writing, setting forth—

"(A) the identity of such country and a description of such hostilities; and

"(B) the number of members of the United States Armed Forces and the number of United States civilian personnel performing defense services related to such hostilities in such country, their location, the precise nature of their activities, and the likelihood of their becoming engaged in or endangered by hostilities.".

RECIPROCAL TRAINING AGREEMENTS

22 USC 2761.

10 USC 2451 note.

SEC. 103. Section 21(g) of the Arms Export Control Act is amended by striking out "In carrying out section 814 of the Act of October 7, 1975 (Public Law 94-106), the President may enter into North Atlantic Treaty Organization standardization agreements" and inserting in lieu thereof "The President may enter into North Atlantic Treaty Organization standardization agreements in carrying out section 814 of the Act of October 7, 1975 (Public Law 94-106), and may enter into similar agreements with Japan, Australia, and New Zealand,".

GUARANTY RESERVE

22 USC 2764.

SEC. 104. (a) Section 24(c) of the Arms Export Control Act is amended to read as follows:

Ante, p. 3131.

Report to Congress.

"(c) Funds obligated under this section before the date of enactment of the International Security and Development Cooperation Act of 1980 which constitute a single reserve for the payment of claims under guaranties issued under this section shall remain available for expenditure for the purposes of this section on and after that date. The President shall report promptly to the Congress whenever the payment of a claim under any such guaranty reduces the total amount of funds in the single reserve under this subsection to an amount less than $750,000,000, together with his recommendations for the authorization of appropriations of additional funds for such reserve. For purposes of any provision in this Act or any other Act relating to a prohibition or limitation on the availability of funds under this Act, whenever a guaranty is issued under this section, the principal amount of the loan so guaranteed shall be deemed to be funds made available for use under this Act. Any guaranties issued hereunder shall be backed by the full faith and credit of the United States.".

22 USC 2777.

(b) Section 37 of such Act is amended by adding at the end thereof the following:

Ante, p. 3132.

"(c) Notwithstanding the provisions of subsection (b), to the extent that any of the funds constituting the reserve under section 24(c) are paid out for a claim arising out of a loan guaranteed under section 24, amounts received from a foreign government or international organization after the date of such payment, with respect to such claim, shall be credited to such reserve, shall be merged with the funds in such reserve, and shall be available for any purpose for which funds in such reserve are available.".

22 USC 2765.

(c) Section 25(a) of such Act is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5); and

(2) by inserting after paragraph (2) the following:

Ante, p. 3132.

"(3) the total amount of funds in the reserve under section 24(c) at the end of the fiscal year immediately preceding the fiscal year in which a report under this section is made, together with an assessment of the adequacy of such total amount of funds as a reserve for the payment of claims under guaranties issued pursuant to section 24 in view of the current debt servicing capacity of borrowing countries, as reported to the Congress pursuant to section 634(a)(5) of the Foreign Assistance Act of 1961;".

22 USC 2394.
22 USC 2771.
22 USC 2763.
22 USC 2764.

(d) Section 31(a) of such Act is amended by inserting immediately after the first sentence the following new sentence: "Credits may not be extended under section 23 of this Act in an amount, and loans may not be guaranteed under section 24(a) of this Act in a principal amount, which exceeds any maximum amount which may be established with respect to such credits or such loan guarantees in legislation appropriating funds to carry out this Act.".

MILITARY CONSTRUCTION

SEC. 105. (a) The Arms Export Control Act is amended by inserting immediately after chapter 2 the following new chapter:

"CHAPTER 2A—FOREIGN MILITARY CONSTRUCTION SALES

22 USC 2769.

"SEC. 29. FOREIGN MILITARY CONSTRUCTION SALES.—The President may sell design and construction services to any eligible foreign country or international organization if such country or international organization agrees to pay in United States dollars not less than the full cost to the United States Government of furnishing such services. Payment shall be made to the United States Government in advance of the performance of such services by officers or employees of the United States Government. The President may, without requirement for charge to any appropriation or contract authorization otherwise provided, enter into contracts for the procurement of design and construction services for sale under this section if such country or international organization provides the United States Government with a dependable undertaking (1) to pay the full amount of such contract which will assure the United States Government against any loss on the contract, and (2) to make funds available in such amounts and at such time as may be required to meet the

Contracts.

payments required by the contract and any damages and costs that may accrue from the cancellation of such contract, in advance of the time such payments, damages, or costs are due.".

22 USC 2761.

(b)(1) Section 21(h) of such Act is amended by striking out "defense articles or defense services" both places it appears and inserting in lieu thereof "defense articles, defense services, or design and construction services".

22 USC 2762.
50 USC app. 1211 note.

(2) Section 22(c) of such Act is amended to read as follows:

"(c) The provisions of the Renegotiation Act of 1951 do not apply to procurement contracts heretofore or hereafter entered into under this section, section 29, or predecessor provisions of law.".

Ante, p. 3133.
22 USC 2763, 2764, 2771.

(3) Sections 23, 24(a), and 31(c) of such Act are each amended by striking out "defense articles and defense services" each place it appears and inserting in lieu thereof "defense articles, defense services, and design and construction services".

22 USC 2776.

(c) Section 36(a) of such Act is amended—

(1) by striking out "and" immediately after the semicolon at the end of paragraph (7);

(2) by striking out the period at the end of paragraph (8) and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following new paragraph:

Ante, p. 3133.

"(9) a listing of each sale under section 29 during the quarter for which such report is made, specifying (A) the purchaser, (B) the United States Government department or agency responsible for implementing the sale, (C) an estimate of the dollar amount of the sale, and (D) a general description of the real property facilities to be constructed pursuant to such sale; and".

22 USC 2776.

(d)(1) Section 36(b)(1) of such Act is amended in the first sentence by inserting "any design and construction services for $200,000,000 or more," immediately after "$25,000,000 or more,".

(2) Such section is further amended—

(A) in the first sentence by inserting ", or (in the case of a sale of design and construction services) the information specified in clauses (A) through (D) of paragraph (9) of subsection (a)," immediately after "subsection (a)" the first place it appears;

(B) in the second sentence by striking out "or defense services" and inserting in lieu thereof ", defense services, or design and construction services,"; and

(C) in the third sentence—

(i) in subparagraph (A) by striking out "or services" and inserting in lieu thereof ", defense services, or design and construction services";

(ii) in subparagraph (C) by striking out "or defense service" and inserting in lieu thereof ", defense service, or design and construction service";

(iii) in subparagraph (E) by striking out "or services" both places it appears and inserting in lieu thereof ", defense services, or design and construction services";

(iv) in subparagraph (I) by striking out "or services" both places it appears and inserting in lieu thereof ", defense services, or design and construction services";

(v) in subparagraph (J) by striking out "or services" and inserting in lieu thereof ", defense services, or design and construction services";

(vi) in subparagraph (K) by striking out "or services" and inserting in lieu thereof ", defense services, or design and construction services";

(vii) in subparagraph (L) by striking out "or services" and inserting in lieu thereof ", defense services, or design and construction services";

(viii) in subparagraph (M) by striking out "services, or" the first place it appears and inserting in lieu thereof "defense services, design and construction services, or defense"; and

(ix) in subparagraph (N) by inserting ", defense services, or design and construction services" immediately after "defense articles".

(e)(1) Section 37(a) of such Act is amended by striking out "sections 21 and 22" and inserting in lieu thereof "sections 21, 22, and 29". 22 USC 2777.

(2) Section 39 of such Act is amended—

(A) in subsection (a) by inserting ", or of design and construction services under section 29," immediately after "section 22"; and 22 USC 2779.

(B) in subsection (c) by inserting "or section 29" immediately after "section 22".

(3) Section 42 of such Act is amended—

(A) in subsection (d) by striking out "and 24" and inserting in lieu thereof "24, and 29"; and 22 USC 2791.

(B) in subsection (e) by striking out "and 22" both places that it appears and inserting in lieu thereof ", 22, and 29".

(f) Section 47 of such Act is amended—

(1) in paragraph (4) by inserting ", but does not include design and construction services under section 29 of this Act" immediately after "military sales"; 22 USC 2794.

(2) in paragraph (6) by striking out "and" immediately after the semicolon;

(3) in paragraph (7) by striking out the period and inserting in lieu thereof "; and"; and

(4) by adding at the end thereof the following new paragraph:

"(8) 'design and construction services' means, with respect to sales under section 29 of this Act, the design and construction of real property facilities, including necessary construction equipment and materials, engineering services, construction contract management services relating thereto, and technical advisory assistance in the operation and maintenance of real property facilities provided or performed by any department or agency of the Department of Defense or by a contractor pursuant to a contract with such department or agency.".

"Design and construction services."
Ante, p. 3133.

FOREIGN MILITARY SALES AUTHORIZATION AND AGGREGATE CEILING

SEC. 106. (a) Section 31(a) of the Arms Export Control Act is amended by striking out "$673,500,000 for the fiscal year 1980" and inserting in lieu thereof "$500,000,000 for the fiscal year 1981". 22 USC 2771.

(b) Section 31(b) of such Act is amended to read as follows:

"(b)(1) The total amount of credits, or participations in credits, extended pursuant to section 23 of this Act for the fiscal year 1981 shall not exceed $500,000,000. 22 USC 2763.

"(2) The total principal amount of loans guaranteed pursuant to section 24(a) of this Act for the fiscal year 1981 shall not exceed $2,616,000,000. 22 USC 2764.

"(3) Of the aggregate total of such credits, or participations in credits, and of the total principal amount of such loans guaranteed, not less than $1,400,000,000 for the fiscal year 1981 shall be available only for Israel, of which $200,000,000 shall be available only for costs associated with the relocation of Israeli forces from the Sinai.".

22 USC 2771.

(c) Section 31(c) of such Act is amended—

(1) in the first sentence by striking out "fiscal year 1980" and inserting in lieu thereof "fiscal year 1981"; and

(2) in the last sentence by striking out "one-half" and inserting in lieu thereof "$500,000,000".

22 USC 2764.

(d) The principal amount of the loans guaranteed under section 24(a) of such Act for the fiscal year 1981 with respect to Egypt, the Sudan, Greece, and Turkey shall be repaid, and with respect to Somalia may be repaid, in not less than twenty years, following a grace period of ten years on repayment of principal.

COMMERCIAL EXPORTS OF DEFENSE ARTICLES AND DEFENSE SERVICES

22 USC 2778.

SEC. 107. (a) Section 38(b)(3) of the Arms Export Control Act is amended by striking out "$35,000,000" and inserting in lieu thereof "$100,000,000".

22 USC 2776.

(b) Section 36(c) of such Act is amended—

(1) in the first sentence by striking out "not less than 30 days";

(2) by redesignating paragraphs (1), (2), and (3) as clauses (A), (B), and (C), respectively;

(3) in the last sentence by striking out "paragraph (2)" and inserting in lieu thereof "clause (B)" and by striking out "paragraph (3)" and inserting in lieu thereof "clause (C)";

(4) by inserting "(1)" immediately after "(c)"; and

(5) by adding at the end thereof the following:

Export license.

"(2) Unless the President states in his certification that an emergency exists which requires the proposed export in the national security interests of the United States, a license for export described in paragraph (1)—

"(A) shall not be issued until at least 30 calendar days after the Congress receives such certification; and

"(B) shall not be issued then if the Congress, within such 30-day period, adopts a concurrent resolution stating that it objects to the proposed export, except that this subparagraph does not apply with respect to a license issued for an export to the North Atlantic Treaty Organization, any member country of that Organization, Japan, Australia, or New Zealand.

If the President states in his certification that an emergency exists which requires the proposed export in the national security interests of the United States, thus waiving the requirements of subparagraphs (A) and (B) of this paragraph, he shall set forth in the certification a detailed justification for his determination, including a description of the emergency circumstances which necessitate the immediate issuance of the export license and a discussion of the national security interests involved.

"(3)(A) Any resolution under this subsection shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

90 Stat. 765.

"(B) For the purpose of expediting the consideration and adoption of concurrent resolutions under this subsection, a motion to proceed to the consideration of any such resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.".

22 USC 2778.

(c) Section 38(a) of such Act is amended by adding at the end thereof the following new paragraph:

"(3) In exercising the authorities conferred by this section, the President may require that any defense article or defense service be sold under this Act as a condition of its eligibility for export, and may require that persons engaged in the negotiation for the export of defense articles and services keep the President fully and currently informed of the progress and future prospects of such negotiations.".

(d) Section 25(d)(1) of such Act is amended— 22 USC 2765.

(1) in the first sentence by inserting "and licensed commercial exports" immediately after "sales" both places it appears; and

(2) in the second sentence—

(A) by inserting "and licensed commercial exports" immediately after "Sales", and

(B) by inserting "or of an export license" immediately after "letter of offer".

EXPORT CONTROLS ON CERTAIN ITEMS ON THE MUNITIONS LIST

SEC. 108. (a) The President shall review the categories of defense articles and defense services on the United States Munitions List in order to determine which of such articles and services, if any, should be removed from such List. The President shall report to the Congress concerning the results of this review not later than 120 days after the date of enactment of this Act. With respect to this review, it is the sense of the Congress that defense articles and services should not be removed from the United States Munitions List— Review. Report to Congress.

(1) if they are specifically designed, modified, adapted, or equipped for military application or use;

(2) if they do contain sensitive technology used for military, security, intelligence, or cryptographic purposes;

(3) if they are related to nuclear weapons development, production, or testing, or to systems capable of delivering nuclear weapons, or to spacecraft; or

(4) if they are otherwise of such a particular nature as to warrant continued export control under section 38 of the Arms Export Control Act. 22 USC 2778.

(b) In addition, the President shall study whether section 620B of the Foreign Assistance Act of 1961 should be amended in order to allow the issuance of licenses under section 38 of the Arms Export Control Act for the export of (1) communications and electronics equipment with a direct civilian application; (2) transport, utility, or training helicopters with a direct civilian application; (3) propeller-driven transport, utility, or training aircraft; (4) trucks and vehicles with a direct civilian application; or (5) defense services related to any of the items described in clauses (1) through (4). The President shall report the results of this study to the Congress within 120 days after the date of enactment of this Act. Study. 22 USC 2372. Report to Congress.

LEASING OF DEFENSE PROPERTY

SEC. 109. (a) Not less than thirty days before the Secretary of a military department exercises his authority under section 2667 of title 10, United States Code, in order to lease defense property to a foreign government for a period of more than six months, the President shall transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate, a written notification which specifies— Notification of Congress. 10 USC 2667 note.

(1) the country to which such defense property is to be leased;

(2) the type, quantity, and value of the defense property to be leased;

(3) the terms and duration of the lease; and

(4) a justification for the lease.

(b) Each such lease agreement shall be subject to the approval of the Secretary of State.

(c) Each such lease agreement shall be provided to the Congress not later than thirty days after its date of signature.

Waiver; report to Congress.

(d) The President may waive the requirements of subsections (a) and (b) of this section if he determines and immediately reports such determination to the Congress that an emergency exists which requires such lease in the national security interests of the United States.

"Defense property."
22 USC 2794.

(e) As used in this section, the term "defense property" means any major defense equipment (as defined in section 47(6) of the Arms Export Control Act) valued at $7,000,000 or more and any other property valued at $25,000,000 or more.

22 USC 2776.

(f) Section 36(a) of the Arms Export Control Act is amended by inserting the following new paragraph immediately after paragraph (9), as added by section 105(c) of this Act:

"(10) a listing (classified if necessary) of all property valued at $1,000,000 or more which was leased, during the quarter for which such report is submitted, to a foreign government for a period of more than six months under section 2667 of title 10, United States Code.".

EXPORTATION OF URANIUM DEPLETED IN THE ISOTOPE 235

22 USC 2778a.

SEC. 110. Upon a finding that an export of uranium depleted in the isotope 235 is incorporated in defense articles or commodities solely to take advantage of high density or pyrophoric characteristics unrelated to its radioactivity, such exports shall be exempt from the provisions of the Atomic Energy Act of 1954 and of the Nuclear Non-Proliferation Act of 1978 when such exports are subject to the controls established under the Arms Export Control Act or the Export Administration Act of 1979.

42 USC 2011 note.
22 USC 3201 note.
22 USC 2751 note.
50 USC app. 2401 note.

NOTIFICATION OF CERTAIN COMMERCIAL EXPORTS TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

50 USC app. 2405.

SEC. 111. Section 6(i) of the Export Administration Act of 1979 is amended in text preceding paragraph (1) by striking out "of the Senate" and inserting in lieu thereof "and the Committee on Foreign Relations of the Senate at least 30 days".

MILITARY ASSISTANCE

22 USC 2311.

SEC. 112. (a) Section 503(a) of the Foreign Assistance Act of 1961 is amended—

(1) by striking out "or" at the end of paragraph (1);

(2) by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; or"; and

Funds, transfer.

(3) by inserting at the end thereof the following new paragraph:

"(3) transferring such of the funds appropriated or otherwise made available under this chapter as the President may determine for assistance to a recipient specified in section 504(a)(1) of this Act, within the dollar limitations of that section, to the account in which funds for the procurement of defense articles and defense services under section 21 and section 22 of the Arms Export Control Act have been deposited for such recipient, to be

Post, p. 3139.
22 USC 2761, 2762.

merged with such deposited funds, and to be used solely to meet obligations of the recipient for payment for sales under that Act.".

(b) Section 504(a)(1) of such Act is amended to read as follows:

Appropriation authorization.
22 USC 2312.

"(a)(1) There are authorized to be appropriated to the President to carry out the purposes of this chapter not to exceed $106,100,000 for the fiscal year 1981. Not more than the following amounts of funds available to carry out this chapter may be allocated and made available for assistance to each of the following countries for the fiscal year 1981:

Portugal	$51,000,000
Spain	3,600,000
The Philippines	25,000,000
The Sudan	1,700,000

The amount specified in this paragraph for military assistance to any such country may be increased by not more than 10 percent of such amount if the President deems such increase necessary for the purposes of this chapter.".

(c) Section 506(a) of such Act is amended by striking out "$10,000,000" and inserting in lieu thereof "$50,000,000".

22 USC 2318.

(d) Section 516(a) of such Act is amended—

22 USC 2321j.

(1) by striking out "September 30, 1980" and inserting in lieu thereof "September 30, 1982"; and

(2) by striking out "three" and inserting in lieu thereof "five".

STOCKPILING OF DEFENSE ARTICLES FOR FOREIGN COUNTRIES

SEC. 113. Section 514(b)(2) of the Foreign Assistance Act of 1961 is amended by striking out "$95,000,000 for the fiscal year 1980" and inserting in lieu thereof "$85,000,000 for the fiscal year 1981".

22 USC 2321h.

INTERNATIONAL MILITARY ASSISTANCE AND SALES PROGRAM MANAGEMENT

SEC. 114. Section 515 of the Foreign Assistance Act of 1961 is amended—

22 USC 2321i.

(1) in subsection (b)(1)—

(A) by striking out "fiscal year 1980" and inserting in lieu thereof "fiscal year 1981";

(B) by striking out "the countries specified in section 504(a)(1) and in" and inserting in lieu thereof "Portugal, Spain, Jordan, the Philippines,"; and

Supra.

(C) by striking out "Iran, Kuwait" and inserting in lieu thereof "Egypt";

(2) in subsection (b)(3)—

(A) by striking out "Iran, Kuwait, and";

(B) by striking out "countries" and inserting in lieu thereof "country"; and

(C) by striking out "each"; and

(3) in the last sentence of subsection (f)—

(A) by inserting "six more than" immediately after "may not exceed";

(B) by striking out "December 31, 1978" and inserting in lieu thereof "December 31, 1979"; and

(C) by inserting "and countries to which military personnel have been assigned pursuant to subsection (c)" immediately after "such countries".

INTERNATIONAL MILITARY EDUCATION AND TRAINING

22 USC 2347a.

SEC. 115. (a) The first sentence of section 542 of the Foreign Assistance Act of 1961 is amended by striking out all that follows "the purposes of this chapter" and inserting in lieu thereof "$34,000,000 for the fiscal year 1981.".

22 USC 2403.

(b)(1) Section 644(m) of such Act is amended—

(A) by striking out "and" at the end of paragraph (3);

(B) by striking out the period at the end of paragraph (4) and inserting in lieu thereof "; and"; and

(C) by adding at the end thereof the following new paragraph:

"(5) with respect to military education and training, the additional costs that are incurred by the United States Government in furnishing such assistance.".

22 USC 2761.

22 USC 2347.

(2) Section 21(a)(3) of the Arms Export Control Act is amended by inserting immediately before the period the following: ", except that in the case of training sold to a purchaser who is concurrently receiving assistance under chapter 5 of part II of the Foreign Assistance Act of 1961, only those additional costs that are incurred by the United States Government in furnishing such training".

PEACEKEEPING OPERATIONS

22 USC 2348a.

SEC. 116. (a) Section 552(a) of the Foreign Assistance Act of 1961 is amended by striking out "$21,100,000 for the fiscal year 1980" and inserting in lieu thereof "$25,000,000 for the fiscal year 1981".

Repeal.
22 USC 2348b, 2348c.

(b) Section 553 of such Act is repealed and section 554 is redesignated as section 553.

SPECIAL AUTHORITY

22 USC 2364.

SEC. 117. (a) Section 614(a) of the Foreign Assistance Act of 1961 is amended to read as follows:

Notification of Congress.
22 USC 2751 note.

"(a)(1) The President may authorize the furnishing of assistance under this Act without regard to any provision of this Act, the Arms Export Control Act, any law relating to receipts and credits accruing to the United States, and any Act authorizing or appropriating funds for use under this Act, in furtherance of any of the purposes of this Act, when the President determines, and so notifies in writing the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate, that to do so is important to the security interests of the United States.

Notification of Congress.

"(2) The President may make sales, extend credit, and issue guaranties under the Arms Export Control Act, without regard to any provision of this Act, the Arms Export Control Act, any law relating to receipts and credits accruing to the United States, and any Act authorizing or appropriating funds for use under the Arms Export Control Act, in furtherance of any of the purposes of such Act, when the President determines, and so notifies in writing the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate, that to do so is vital to the national security interests of the United States.

Policy justification.

"(3) Before exercising the authority granted in this subsection, the President shall consult with, and shall provide a written policy justification to, the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

"(4) The authority of this subsection may not be used to authorize the use of more than $250,000,000 of funds made available for use under this Act or the Arms Export Control Act, or the use of more than $100,000,000 of foreign currencies accruing under this Act or any other law, in any fiscal year. Not more than $50,000,000 of the funds available under this subsection may be allocated to any one country in any fiscal year, unless such country is a victim of active Communist or Communist-supported aggression.

22 USC 2751 note.

"(5) The authority of this section may not be used to waive the limitations on transfers contained in section 610(a) of this Act.". 22 USC 2360.

(b) Section 652 of such Act is amended by striking out ", 610(a), or 614(a)" and inserting in lieu thereof "or 610(a)". 22 USC 2411.

MILITARY OR PARAMILITARY OPERATIONS IN ANGOLA

SEC. 118. (a) Notwithstanding any other provision of law, no assistance of any kind may be provided for the purpose, or which would have the effect, of promoting or augmenting, directly or indirectly, the capacity of any nation, group, organization, movement, or individual to conduct military or paramilitary operations in Angola unless and until—

22 USC 2293 note.

(1) the President determines that such assistance should be furnished in the national security interests of the United States;

(2) the President submits to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report containing—

Report to congressional committees.

(A) a description of the amounts and categories of assistance which he recommends be furnished and the identity of the proposed recipients of such assistance; and

(B) a certification that he has determined that the furnishing of such assistance is important to the national security interests of the United States and a detailed statement of the reasons supporting such determination; and

(3) the Congress enacts a joint resolution approving the furnishing of such assistance.

Joint resolution.

(b) If introduced within 30 days after the submission of the report required by paragraph (2) of subsection (a), a resolution under paragraph (3) of subsection (a) shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976 and in the House of Representatives in accordance with the procedures applicable to the consideration of resolutions of disapproval under section 36(b) of the Arms Export Control Act.

90 Stat. 765.

22 USC 2776.

(c) The prohibition contained in subsection (a) does not apply with respect to assistance which is furnished solely for humanitarian purposes.

(d) The provisions of this section may not be waived under any other provision of law.

(e) Section 404 of the International Security Assistance and Arms Export Control Act of 1976 is repealed.

Repeal.
22 USC 2293 note.

PROHIBITION ON MILITARY ASSISTANCE TO NICARAGUA

SEC. 119. None of the funds authorized to be appropriated by this title shall be made available for any aid or assistance to Nicaragua.

22 USC 2151 note.

TITLE II—ECONOMIC SUPPORT FUND

AUTHORIZATION OF APPROPRIATIONS

22 USC 2346.

SEC. 201. Section 531(b)(1) of the Foreign Assistance Act of 1961 is amended by striking out "fiscal year 1980, $1,935,000,000" and inserting in lieu thereof "fiscal year 1981, $2,065,300,000".

USE OF FUNDS

22 USC 2346a-2346e.

SEC. 202. Chapter 4 of part II of the Foreign Assistance Act of 1961 is amended by striking out all that follows section 531 and inserting in lieu thereof the following:

22 USC 2346a.

"SEC. 532. USE OF FISCAL YEAR 1981 FUNDS.—(a)(1) Of the funds authorized to be appropriated to carry out this chapter for the fiscal year 1981, not less than $785,000,000 shall be available only for Israel and not less than $750,000,000 shall be available only for Egypt.

"(2) All of the funds made available to Israel and to Egypt under this chapter for the fiscal year 1981 shall be provided on a grant basis.

Cash transfer.

"(3) The total amount of funds allocated for Israel under this chapter for the fiscal year 1981 may be made available as a cash transfer. In exercising the authority of this paragraph, the President shall ensure that the level of cash transfers made to Israel does not cause an adverse impact on the total amount of nonmilitary exports from the United States to Israel.

"(b) Of the funds authorized to be appropriated to carry out this chapter for the fiscal year 1981, not less than $200,000,000 shall be available only for Turkey. Not less than two-thirds of the funds made available to Turkey under this chapter for the fiscal year 1981 shall be provided on a grant basis.

"(c) Of the funds authorized to be appropriated to carry out this chapter for the fiscal year 1981, $15,000,000 shall be available only for Cyprus for refugee relief, reconstruction, and educational exchange programs.

"(d)(1) Of the amount authorized to be appropriated to carry out this chapter for the fiscal year 1981, $12,500,000 may be used for special requirements in the Middle East, including regional programs and development programs on the West Bank and in Gaza.

"(2) The President may obligate or expend funds under this subsection only if—

Report to Congress.

"(A) he has transmitted to the Speaker of the House of Representatives, and to the chairman of the Committee on Foreign Relations and the chairman of the Committee on Appropriations of the Senate, a report setting forth—

"(i) the name of the proposed recipient of such funds,

"(ii) the amount of funds to be made available to such recipient, and

"(iii) the purpose for which such funds are to be made available;

"(B) a period of 30 calendar days has elapsed since the Congress received such report; and

"(C) the Congress did not adopt, during such 30-day period, a concurrent resolution stating in substance that the Congress does not approve the proposed use of funds described in such report.

Emergency use.

"(e)(1) Up to $50,000,000 of the funds appropriated to carry out this chapter for the fiscal year 1981 may be made available for emergency use under this chapter when the national interests of the United

States urgently require economic support to promote economic or political stability.

"(2) Notwithstanding subsections (a)(1), (b), (c), and (d)(1) of this section, up to 5 percent of the funds available for any country or region pursuant to such subsections may be used under paragraph (1) of this subsection.

"(f) None of the funds appropriated to carry out this chapter for fiscal year 1981 may be made available for Syria.

"(g) Funds available to carry out this chapter for the fiscal year 1981 may not be used to finance the construction of, the operation or maintenance of, or the supplying of fuel for, any nuclear facility in a foreign country unless the President certifies to the Congress that use of funds for such purpose is indispensable to the achievement of nonproliferation objectives which are uniquely significant and of paramount importance to the United States.

Nicaragua, assistance.
22 USC 2346b.

"SEC. 533. CENTRAL AMERICAN ECONOMIC SUPPORT.—(a) The Congress finds that peaceful and democratic development in Central America is in the interest of the United States and of the community of American States generally, that the recent civil strife in Nicaragua has caused great human suffering and disruption to the economy of that country, and that substantial external assistance to Nicaragua is necessary to help alleviate that suffering and to promote economic recovery within a peaceful and democratic process. The Congress further finds that peaceful and democratic development in certain other Central American countries will be significantly assisted by additional economic support at this time.

"(b) In furnishing assistance under this chapter to the Government of Nicaragua, the President shall take into account the extent to which that Government has engaged in violations of the right to organize and operate labor unions free from political oppression, has engaged in or permitted violations of human rights, has engaged in violations of the right to freedom of the press, or has engaged in violations of the right to freedom of religion.

"(c) The President shall encourage the Government of Nicaragua to respect the right to freedom of the press, the right to organize and operate free labor unions, the right to freedom of religion, as well as all other fundamental human rights.

22 USC 2304.

"(d) The Congress reaffirms the requirement of section 502B(a)(1) of this Act that a principal goal of the foreign policy of the United States shall be to promote the increased observance of internationally recognized human rights by all countries. In furtherance of the goal, assistance to Nicaragua for the fiscal year 1981 under this chapter shall be terminated, in accordance with sections 116 and 502B of this Act, if the Government of Nicaragua engages in a consistent pattern of gross violations of internationally recognized human rights.

22 USC 2151n.

Report to Congress.

"(e) The President shall transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate a report for each 6-month period in which funds are expended under this chapter for Nicaragua for the fiscal year 1981. Each such report shall discuss fully and completely the status of respect in Nicaragua for human rights, political pluralism, freedom of the press and assembly, freedom of religion, and freedom of labor to organize and bargain collectively.

Certification, transmittal to Congress.

"(f) Prior to releasing any assistance to the Government of Nicaragua under this chapter, the President shall transmit a certification to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate that the Government of Nicaragua has not cooperated with or harbored any international terrorist organization and is not aiding, abetting, or supporting acts of violence or terrorism in other countries. In the event that the President transmits such a certification, but at a later date he determines that the Government of Nicaragua cooperates with or harbors any international terrorist organization or is aiding, abetting, or supporting acts of violence or terrorism in other countries, the President shall terminate assistance to the Government of Nicaragua under this chapter, and the outstanding balance of any loan to the Government of Nicaragua, or any of its agencies or instrumentalities, with funds authorized to be appropriated by this chapter shall become immediately due and payable.

"(g) It is the sense of the Congress that the United States should support those traditionally faithful allies of the United States which are responsible members of the Organization of American States, including Guatemala, El Salvador, Costa Rica, Nicaragua, Panama, and Honduras, against terrorism and external subversion.

"(h) Funds made available under this chapter for the National School of Agriculture in Nicaragua shall be used under an understanding with the Autonomous National University of Nicaragua that the National School of Agriculture will cooperate in programs with United States institutions of higher education.

Private sector, assistance.

"(i) Any agreement between the United States and the Government of Nicaragua regarding the use of funds authorized to be appropriated under this chapter, which are to be made available in the form of loans, shall specifically require that at least 60 percent of such loan funds, and any local currency generated in conjunction therewith, shall be used for assistance to the private sector. Insofar as practicable, local currency used for assistance to the private sector in Nicaragua shall, consistent with the accomplishment of the purposes set forth in subsection (a) of this section, be used in ways which will strengthen private financial institutions which will help keep the private sector in Nicaragua financially independent. Local currency loan programs in Nicaragua shall be monitored and audited in accordance with section 624(g) of this Act. The President shall report on the implementation of this subsection in the reports required under subsection (e) of this section.

Post, p. 3158.

"(j) The President shall terminate assistance to the Government of Nicaragua under this chapter if he determines and reports to the Congress that Soviet, Cuban, or other foreign combat military forces are stationed or situated within the borders of Nicaragua and that the presence of such forces constitutes a threat to the national security of the United States or to any Latin American ally of the United States.

"(k) The President shall terminate assistance to Nicaragua under this chapter for the fiscal year 1981 if he determines that the Government of Nicaragua has engaged in a consistent pattern of violations of the right to organize and operate labor unions free from political oppression.

Elections.

"(l) The President shall encourage the holding of free, open elections in Nicaragua within a reasonable period of time and shall, in providing any additional assistance to Nicaragua, take into consideration the progress which is being made toward holding such elections.

"(m) None of the funds made available for Nicaragua under this chapter may be used for assistance for any school or other educational instrumentality or facility which would house, employ, or be made available to Cuban personnel.

"(n) The President shall terminate assistance to Nicaragua under this chapter if he determines that the Government of Nicaragua engages in systematic violations of free speech and press.

"(o) Any agreement between the United States and the Government of Nicaragua regarding the use of funds authorized to be appropriated under this chapter, which are to be made available in the form of loans, shall specifically require that such loan funds shall be used for the purchase of goods or services of United States origin.

"(p) Up to one percent of the funds made available to Nicaragua under this chapter for the fiscal year 1981 shall be used to make publicly known to the people of Nicaragua the extent of United States aid programs to them. The President shall periodically report to the Congress on the effectiveness of his efforts to carry out this subsection.". Report to Congress.

CONSTRUCTION OF PRODUCTIVE ENTERPRISE IN EGYPT

SEC. 203. The first sentence of section 620(k) of the Foreign Assistance Act of 1961 is amended by inserting ", fiscal year 1980, or fiscal year 1981" immediately after "fiscal year 1977". 22 USC 2370.

TITLE III—DEVELOPMENT ASSISTANCE PROGRAMS

AGRICULTURE, RURAL DEVELOPMENT, AND NUTRITION

SEC. 301. The first sentence of section 103(a)(2) of the Foreign Assistance Act of 1961 is amended to read as follows: "There are authorized to be appropriated to the President for purposes of this section, in addition to funds otherwise available for such purposes, $713,500,000 for the fiscal year 1981.". 22 USC 2151a.

POPULATION AND HEALTH

SEC. 302. (a) Section 104(b) of the Foreign Assistance Act of 1961 is amended by inserting after "information and services" in the second sentence the following: ", including also information and services which relate to and support natural family planning methods,". 22 USC 2151b.

(b) The first sentence of section 104(g) of such Act is amended to read as follows: "There are authorized to be appropriated to the President, in addition to funds otherwise available for such purposes—

"(1) $238,000,000 for the fiscal year 1981 to carry out subsection (b) of this section, of which not less than $3,000,000 shall be available only to support the World Health Organization's Special Program of Research, Development and Research Training in Human Reproduction; and

"(2) $145,300,000 for the fiscal year 1981 to carry out subsection (c) of this section.".

EDUCATION AND HUMAN RESOURCES DEVELOPMENT

SEC. 303. The second sentence of section 105(a) of the Foreign Assistance Act of 1961 is amended to read as follows: "There are authorized to be appropriated to the President for purposes of this section, in addition to funds otherwise available for such purposes, $101,000,000 for the fiscal year 1981, which are authorized to remain available until expended.". 22 USC 2151c.

ENERGY, PRIVATE VOLUNTARY ORGANIZATIONS, AND SELECTED DEVELOPMENT ACTIVITIES

22 USC 2151d.

SEC. 304. (a) The section caption of section 106 of the Foreign Assistance Act of 1961 is amended by striking out "technical assistance, energy, research, reconstruction, and selected development problems" and inserting in lieu thereof "energy, private voluntary organizations, and selected development activities".

(b) Subsection (a) of such section is amended—

(1) by inserting "(A)" immediately after "(a)(1)";

(2) by striking out "(2)", "(3)", and "(4)" and inserting in lieu thereof "(B)", "(C)", and "(D)", respectively;

(3) by striking out "(A)", "(B)", and "(C)" in paragraph (3) and inserting in lieu thereof "(i)", "(ii)", and "(iii)", respectively; and

(4) by adding at the end thereof the following new paragraph:

Findings.

"(2) The Congress also finds that energy production from renewable, decentralized sources and energy conservation are vital elements in the development process. Inadequate access by the poor to energy sources as well as the prospect of depleted fossil fuel reserves and higher energy prices require an enhanced effort to expand the energy resources of developing countries through greater emphasis on renewable sources. Renewable and decentralized energy technologies have particular applicability for the poor, especially in rural areas.".

(c) Subsection (b) of such section is amended—

(1) by inserting "(A)" immediately after "(b)(1)";

(2) by striking out "(2)" and inserting in lieu thereof "(B)"; and

(3) by striking out "fiscal year 1980 shall be used for purposes of paragraph (1)" and inserting in lieu thereof "fiscal year 1981 shall be used for purposes of subparagraph (A)".

(d) Such section is further amended by inserting at the end of subsection (b) the following:

Cooperative programs.

22 USC 2151a.

"(2) The President is authorized to furnish assistance under this chapter for cooperative programs with developing countries in energy production and conservation through research on and development and use of small-scale, decentralized, renewable energy sources for rural areas carried out as integral parts of rural development efforts in accordance with section 103 of this Act. Such programs shall also be directed toward the earliest practicable development and use of energy technologies which are environmentally acceptable, require minimum capital investment, are most acceptable to and affordable by the people using them, are simple and inexpensive to use and maintain, and are transferable from one region of the world to another. Such programs may include research on and the development, demonstration, and application of suitable energy technologies (including use of wood); analysis of energy uses, needs, and resources; training and institutional development; and scientific interchange.

Agency coordination.

"(c) The agency primarily responsible for administering this part and the Department of Energy shall coordinate with one another, to the maximum extent possible, the planning and implementation of energy programs under this chapter.".

(e) Existing subsection (c) of such section is redesignated as subsection (d).

(f) Existing subsection (d) of such section is amended to read as follows:

"(e)(1) There are authorized to be appropriated to the President for purposes of this section, in addition to funds otherwise available for such purposes, $140,000,000 for the fiscal year 1981.

Appropriation authorization.

"(2) Amounts appropriated under this section are authorized to remain available until expended.".

(g) Section 119 of such Act is repealed.

Repeal. 22 USC 2151q.

HUMAN RIGHTS IN DEVELOPING COUNTRIES

SEC. 305. Section 116(e) of the Foreign Assistance Act of 1961 is amended by striking out "fiscal year 1980" and inserting in lieu thereof "fiscal year 1981".

22 USC 2151n.

SAHEL DEVELOPMENT PROGRAM

SEC. 306. Section 121(c) of the Foreign Assistance Act of 1961 is amended by inserting immediately after the second sentence the following new sentence: "In addition to the amounts authorized in the preceding sentences and to funds otherwise available for such purposes, there are authorized to be appropriated to the President for purposes of this section $88,442,000 for the fiscal year 1981.".

22 USC 2151s.

PRIVATE AND VOLUNTARY ORGANIZATIONS AND COOPERATIVES

SEC. 307. Section 123 of the Foreign Assistance Act of 1961 is amended—

22 USC 2151u.

(1) in subsection (a) by inserting before the period at the end of the fourth sentence the following: "and, if necessary and determined on a case-by-case basis, for the purpose of sharing the cost of developing programs related to such activities";

(2) in subsection (a) by inserting before the period at the end of the fifth sentence the following: "and to establish simplified procedures for the development and approval of programs to be carried out by such private and voluntary organizations and cooperatives as have demonstrated a capacity to undertake effective development activities"; and

(3) by adding at the end thereof the following new subsection:

"(e) Prohibitions on assistance to countries contained in this or any other Act shall not be construed to prohibit assistance by the agency primarily responsible for administering this part in support of programs of private and voluntary organizations and cooperatives already being supported prior to the date such prohibition becomes applicable. The President shall take into consideration, in any case in which statutory prohibitions on assistance would be applicable but for this subsection, whether continuation of support for such programs is in the national interest of the United States. If the President continues such support after such date, he shall prepare and transmit, not later than thirty days after such date, to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate a report setting forth the reasons for such continuation.".

Report to Congress.

RELATIVELY LEAST DEVELOPED COUNTRIES

SEC. 308. The last sentence of section 124(c)(2) of the Foreign Assistance Act of 1961 is amended—

22 USC 2151v.

(1) by striking out "1980" and inserting in lieu thereof "1981"; and

(2) by striking out "$18,800,000" and inserting in lieu thereof "$10,845,000".

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

22 USC 2222.

SEC. 309. Section 302(a)(1) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(a)(1) There are authorized to be appropriated to the President for grants to carry out the purposes of this chapter, in addition to funds available under any other Acts for such purposes, $233,350,000 for the fiscal year 1981.".

PARTICIPANT TRAINING

22 USC 2367.

SEC. 310. Section 617 of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new sentence: "In order to ensure the effectiveness of assistance under this Act, such expenses for orderly termination of programs may include the obligation and expenditure of funds to complete the training or studies outside their countries of origin of students whose course of study or training program began before assistance was terminated.".

REIMBURSABLE DEVELOPMENT PROGRAMS

22 USC 2421.

SEC. 311. Section 661 of the Foreign Assistance Act of 1961 is amended in the first sentence by striking out "$3,800,000 of the funds made available for the purposes of this Act for the fiscal year 1980" and inserting in lieu thereof "$4,000,000 of the funds made available for the fiscal year 1981 for the purposes of this Act".

INSTITUTE FOR SCIENTIFIC AND TECHNOLOGICAL COOPERATION

22 USC 3510.

SEC. 312. The first sentence of section 410 of the International Development Cooperation Act of 1979 is amended by striking out "$23,750,000 for the fiscal year 1980" and inserting in lieu thereof "$12,000,000 for the fiscal year 1981".

ASSISTANCE TO THE EASTERN CARIBBEAN

SEC. 313. (a) The Congress urges the President to use up to $7,000,000 for the fiscal year 1981 for bilateral development assistance for the countries of the eastern Caribbean.

Report to Congress.

(b) Not later than February 1, 1981, the President shall report to the Congress on the implementation of this section.

ASSISTANCE FOR EQUATORIAL GUINEA

SEC. 314. The President is urged to provide up to $3,000,000 of the funds authorized to be appropriated for the fiscal year 1981 by this title for assistance to Equatorial Guinea if he deems that conditions in that country warrant such assistance.

CARIBBEAN DEVELOPMENT BANK

22 USC 2370 note.

SEC. 315. Notwithstanding section 620(r) of the Foreign Assistance Act of 1961, the President may, after consultation with the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, make arrangements at his discretion for the assumption by the recipient members of the

Caribbean Development Bank of any loans made to the Bank under the authority of that Act.

WORLD HUNGER

SEC. 316. (a) In order to further the purposes of section 103 of the Foreign Assistance Act of 1961, the Director of the United States International Development Cooperation Agency shall encourage the ongoing work of private and voluntary organizations to deal with world hunger problems abroad. To this end, the Director shall help facilitate widespread public discussion, analysis, and review of the issues raised by the Report of the Presidential Commission on World Hunger of March 1980, especially the issues raised by the Commission's call for increased public awareness of the political, economic, technical, and social factors relating to hunger and poverty.

22 USC 2151a note.

(b) As a means of carrying out subsection (a), and to ensure the effectiveness of private and voluntary organizations in dealing with world hunger abroad, the Director is urged to provide assistance to private and voluntary organizations engaged in facilitating public discussion of hunger and other related issues.

REDUCTION OF POSTHARVEST LOSSES OF FOOD

SEC. 317. It is the sense of the Congress that—

(1) the President should reaffirm the policy of the United States Government to support the goal established by the United Nations General Assembly of reducing by 50 percent postharvest losses of food in developing countries; and

22 USC 2151a note.

(2) the President, acting through the Agency for International Development, should increase substantially the proportion of funds made available under the Foreign Assistance Act of 1961 for the purpose of assisting, together with other donor countries and with developing countries, in the reduction of postharvest losses of food in developing countries.

22 USC 2151 note.

TITLE IV—OTHER ASSISTANCE PROGRAMS

AMERICAN SCHOOLS AND HOSPITALS ABROAD

SEC. 401. Section 214(c) of the Foreign Assistance Act of 1961 is amended by striking out "$25,000,000 for the fiscal year 1980" and inserting in lieu thereof "$30,000,000 for the fiscal year 1981".

22 USC 2174.

INTERNATIONAL NARCOTICS CONTROL

SEC. 402. (a) Section 482(a) of the Foreign Assistance Act of 1961 is amended to read as follows:

22 USC 2291a.

"(a)(1) To carry out the purposes of section 481, there are authorized to be appropriated to the President $38,573,000 for the fiscal year 1981.

22 USC 2291.

"(2) Funds appropriated under this subsection for the fiscal year 1981 may not be used for a contribution to the United Nations Fund for Drug Abuse Control in an amount which exceeds the lesser of $3,000,000 or 50 percent of the total contributions by all countries to such Fund for the calendar year with respect to which the United States contribution is made.

U.N. drug abuse control fund.

"(3) Amounts appropriated under this subsection are authorized to remain available until expended.".

(b) Section 482 of such Act is amended by adding at the end thereof the following new subsection:

Pakistan.
31 USC 724.
75 Stat. 283.
7 USC 1705.
22 USC 2291.

"(c) Notwithstanding section 1415 of the Supplemental Appropriation Act, 1953, section 508 of the General Government Matters, Department of Commerce, and Related Agencies Appropriation Act, 1962, and section 105 of the Agricultural Trade Development and Assistance Act of 1954, up to the equivalent of $10,000,000 in currencies or credits of the Government of Pakistan held by the United States shall, to such extent as may be provided in an appropriation Act, be available to the President for the fiscal year 1981 (and shall remain available until expended) to carry out the purposes of section 481 through assistance to the Government of Pakistan. Notwithstanding any other provision of law, the availability or expenditure of such foreign currencies shall not affect or reduce appropriations otherwise available to carry out the administration of the international narcotics control program.".

Colombia.
22 USC 2291a note.
22 USC 2291.

(c) Notwithstanding the provisions of section 482(a)(2) of the Foreign Assistance Act of 1961 as in effect immediately prior to the enactment of this Act, funds appropriated for the fiscal year 1980 to carry out the purposes of section 481 of that Act which were obligated for assistance for Colombia may be used for fixed-wing aircraft, communications equipment, and such other equipment and operational support, including aviation services, as are essential to the Colombian anti-narcotics enforcement program.

INTERNATIONAL DISASTER ASSISTANCE

22 USC 2292a.

Sec. 403. Section 492 of the Foreign Assistance Act of 1961 is amended by striking out "$21,800,000 for the fiscal year 1980" and inserting in lieu thereof "$25,000,000 for the fiscal year 1981".

DISASTER ASSISTANCE BORROWING AUTHORITY

Sec. 404. (a) Section 492 of the Foreign Assistance Act of 1961 is amended—

(1) by inserting "(a)" immediately before "There is"; and

(2) by adding at the end thereof the following new subsection:

22 USC 2292.

"(b) In addition to amounts otherwise available to carry out this chapter, up to $50,000,000 in any fiscal year may be obligated against appropriations under this part (other than this chapter) for use in providing assistance in accordance with the authorities and general policies of section 491. Amounts subsequently appropriated under this chapter with respect to a disaster may be used to reimburse any appropriation account against which obligations were incurred under this subsection with respect to that disaster.".

22 USC 2292.

(b) Section 491(b) of such Act is amended by striking out "limitation on appropriations" and inserting in lieu thereof "limitations".

AFRICAN REHABILITATION AND RESETTLEMENT

Sec. 405. Section 495F of the Foreign Assistance Act of 1961 is amended to read as follows:

22 USC 2292*l*.

"Sec. 495F. African Rehabilitation and Resettlement.—(a) The Congress recognizes that United States assistance is necessary to help developing countries in Africa meet the longer term rehabilitation and resettlement needs of displaced persons and other innocent victims of civil strife. Therefore, the President is authorized to furnish assistance, on such terms and conditions as he may determine, for the longer term rehabilitation and resettlement needs of such victims. Funds for this purpose should be used to assist African governments in providing semipermanent housing, potable water supply systems, and sanitary facilities which are generally not provided by existing refugee relief agencies.

"(b) There are authorized to be appropriated to the President for the purposes of this section, in addition to amounts otherwise available for such purposes, $15,000,000 for the fiscal year 1981. Amounts appropriated under this subsection are authorized to remain available until expended.

"(c) Assistance under this section shall be provided in accordance with the policies and general authorities contained in section 491.". 22 USC 2292.

MIGRATION AND REFUGEE ASSISTANCE

SEC. 406. Section 102(a)(4) of the Department of State Authorization Act, Fiscal Years 1980 and 1981, is amended by striking out "$457,798,000" and inserting in lieu thereof "$517,209,000". 93 Stat. 395, 843.

PUBLIC LAW 480 TRANSFER AUTHORITY

SEC. 407. Section 403 of the Agricultural Trade Development and Assistance Act of 1954 is amended by adding at the end thereof the following: 7 USC 1733.

"(c) Notwithstanding any other provision of this Act or any other Act, if the President determines it to be necessary for the purposes of this Act, he may direct that not to exceed 15 percent of the funds available in any fiscal year for carrying out any title of this Act be used to carry out any other title of this Act.".

EAST TIMOR

SEC. 408. It is the sense of the Congress that the President should take all appropriate measures to—

(1) continue to support and encourage relief operations by the Government of Indonesia and by international relief agencies in East Timor;

(2) assist the Government of Indonesia to facilitate the reuniting of families separated because of developments in recent years in East Timor; and

(3) encourage the Government of Indonesia to allow access to East Timor by international journalists.

TITLE V—AFRICAN DEVELOPMENT FOUNDATION

African Development Foundation Act.

SHORT TITLE

SEC. 501. This title may be cited as the "African Development Foundation Act". 22 USC 290h note.

FINDINGS

SEC. 502. The Congress finds that— 22 USC 290h.

(1) social and economic development ultimately depends on the active participation of individuals within a society and on the enhancement of opportunities for those individuals;

(2) the development of individuals and institutions in African countries can benefit by the provision of support for community-based self-help activities;

(3) by enacting title IX of chapter 2 of part I of the Foreign Assistance Act of 1961, and recent amendments to that Act, the 22 USC 2218.

Congress has sought to enable the poor to participate in the process of development;

22 USC 2151 note.

(4) the Inter-American Foundation, established by Congress in the Foreign Assistance Act of 1969 to support the efforts of the people of Latin America and the Caribbean to solve their development problems, has demonstrated a successful approach to development; and

(5) an African Development Foundation similar in structure to the Inter-American Foundation, but adapted to the specific needs of Africa, can complement current United States development programs in Africa.

ESTABLISHMENT

22 USC 290h-1.

SEC. 503. (a) There is established a body corporate to be known as the "African Development Foundation" (hereafter in this title referred to as the "Foundation").

(b) The Foundation shall establish a principal office in the United States and may establish such branch offices in Africa as may be necessary to carry out its functions.

PURPOSES

22 USC 290h-2.

SEC. 504. (a) In order to enable the people of African countries to develop their potential, fulfill their aspirations, and enjoy better, more productive lives, the purposes of the Foundation shall be—

(1) to strengthen the bonds of friendship and understanding between the people of Africa and the United States;

(2) to support self-help activities at the local level designed to enlarge opportunities for community development;

(3) to stimulate and assist effective and expanding participation of Africans in their development process; and

(4) to encourage the establishment and growth of development institutions which are indigenous to particular countries in Africa and which can respond to the requirements of the poor in those countries.

(b) The Foundation shall carry out the purposes specified in subsection (a) in cooperation with, and in response to, organizations indigenous to Africa which are representative of the needs and aspirations of the poor in Africa and, in carrying out such purposes, the Foundation shall, to the extent possible, coordinate its development assistance activities with the activities of the United States Government and private, regional, and international organizations.

FUNCTIONS

Grants and loans.
22 USC 290h-3.

SEC. 505. (a)(1) In order to carry out the purposes set forth in section 504, the Foundation may make grants, loans, and loan guarantees to any African private or public group, association, or other entity engaged in peaceful activities for—

(A) the fostering of local development institutions and the support of development efforts initiated by communities themselves;

(B) the development of self-evaluation techniques by participants in projects supported under this section, for the purpose of transferring experience gained in such projects to similar development activities;

(C) development research by Africans and the transfer of development resources, expertise, and knowledge within Africa;

(D) the procurement of such technical or other assistance as is deemed appropriate by the recipient of such grant, loan, or guarantee, to carry out the purposes of this title; and

(E) other projects that would carry out the purposes set forth in section 504.

(2) The total amount of grants, loans, and loan guarantees that may be made under this section for a project may not exceed $250,000.

(3) The Foundation may disseminate to the American public and to United States and multilateral development institutions insights gained from African development projects assisted under this title.

(b) In making grants, loans, and loan guarantees under subsection (a), the Foundation shall give priority to projects which community groups undertake to foster their own development and in the initiation, design, implementation, and evaluation of which there is the maximum feasible participation of the poor. Where appropriate and in keeping with the purposes of this title, the Foundation may make such grants, loans, and loan guarantees to African entities which are representative and knowledgeable of, and sensitive to, the needs and aspirations of the poor and which would disburse funds acquired under such grants, loans, and loan guarantees to other African entities to carry out the purposes of this title.

POWERS

SEC. 506. (a) The Foundation, as a corporation— 22 USC 290h-4.

(1) shall have perpetual succession unless dissolved by an Act of Congress;

(2) may sue and be sued, complain, and defend, in its corporate name in any court of competent jurisdiction;

(3) may adopt, alter, and use a seal, which shall be judicially noticed;

(4) may prescribe, amend, and repeal such rules and regulations as may be necessary for carrying out the functions of the Foundation;

(5) may make and perform such contracts and other agreements with any individual, corporation, or other private or public entity however designated and wherever situated, as may be necessary for carrying out the functions of the Foundation;

(6) may determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid, including expenses for representation not exceeding $10,000 in any fiscal year;

(7) may, as necessary for carrying out the functions of the Foundation, employ and fix the compensation of not to exceed the following number of persons at any one time: 25 during the fiscal year 1981, 50 during the fiscal year 1982, and 75 thereafter;

(8) may lease, purchase, or otherwise acquire, own, hold, improve, use, or otherwise deal in and with such property (real, personal, or mixed) or any interest therein, wherever situated, as may be necessary for carrying out the functions of the Foundation;

(9) may accept gifts or donations of services or of property (real, personal, or mixed), tangible or intangible, in furtherance of the purposes of this title;

(10) may use the United States mails in the same manner and on the same conditions as the executive departments of the Government;

(11) may, with the consent of any agency of the United States, use the information, services, facilities, and personnel of that agency in carrying out the purposes of this title; and

(12) shall have such other powers as may be necessary and incident to carrying out this title.

(b) The Foundation shall be a nonprofit corporation and shall have no capital stock. No part of its revenue, earnings, or other income or property shall inure to the benefit of any of its directors, officers, or employees, and such revenue, earnings, or other income or property shall only be used for carrying out the purposes of this title. No director, officer, or employee of the corporation shall in any manner directly or indirectly participate in the deliberation upon or the determination of any question affecting his or her personal interests or the interests of any corporation, partnership, or organization in which he or she is directly or indirectly interested.

(c) The Foundation, including its franchise and income, shall be exempt from taxation now or hereafter imposed by the United States, by any territory or possession of the United States, or by any State, county, municipality, or local taxing authority.

(d) Upon termination of the corporate life of the Foundation its assets shall be liquidated and, unless otherwise provided by Congress, shall be transferred to the United States Treasury as the property of the United States.

MANAGEMENT

Board of directors. 22 USC 290h-5.

Sec. 507. (a)(1) The management of the Foundation shall be vested in a board of directors (hereafter in this title referred to as the "Board") composed of seven members appointed by the President, by and with the advice and consent of the Senate. The President shall designate one member of the Board to serve as Chairperson of the Board and one member to serve as Vice Chairperson of the Board. Five members of the Board shall be appointed from private life. Two members of the Board shall be appointed from among officers and employees of agencies of the United States concerned with African affairs. All members of the Board shall be appointed on the basis of their understanding of and sensitivity to community level development processes.

Terms.

(2) Members of the Board shall be appointed for terms of six years, except that of the members first appointed, as designated by the President at the time of their appointment, two shall be appointed for terms of two years and two shall be appointed for terms of four years. A member of the Board appointed to fill a vacancy occurring before the expiration of the term for which that member's predecessor was appointed shall be appointed only for the remainder of that term. Upon the expiration of his or her term a member shall continue to serve until a successor is appointed and shall have qualified.

Expenses.

(b) Members of the Board shall serve without additional compensation, but may be reimbursed for actual and necessary expenses not exceeding $100 per day, and for transportation expenses, while engaged in their duties on behalf of the Foundation.

Quorum.

(c) A majority of the Board shall constitute a quorum.

President.

(d)(1) The Board of Directors shall appoint a president of the Foundation on such terms as the Board may determine. The president of the Foundation shall receive compensation at a rate not to exceed that provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

Experts and consultants.

(2) Experts and consultants may be employed by the Board as authorized by section 3109 of title 5, United States Code.

(e)(1) The Board shall establish an advisory council to be composed of such number of individuals as may be selected by the Board from among individuals knowledgeable about development activities in Africa. The advisory council may include African recipients of grants, loans, or loan guarantees under this title. Advisory council.

(2) The Board shall, at least once each year, consult the advisory council concerning the objectives and activities of the Foundation.

(3) Members of the advisory council shall receive no compensation for their services but may be allowed travel and other expenses in accordance with section 5703 of title 5, United States Code, which are incurred by them in the performance of their functions under this subsection. Expenses.

GOVERNMENT CORPORATION CONTROL ACT

Sec. 508. The Foundation shall be subject to title I of the Government Corporation Control Act. 22 USC 290h-6. 31 USC 846.

LIMITATION ON SPENDING AUTHORITY

Sec. 509. Any authority provided by this title involving the expenditure of funds (other than the funds made available pursuant to section 510) shall be effective for a fiscal year only to such extent or in such amounts as are provided in advance in appropriation Acts. 22 USC 290h-7.

USE OF CERTAIN FUNDS

Sec. 510. Of the funds appropriated for the fiscal year 1981 to carry out part I of the Foreign Assistance Act of 1961, other than funds appropriated for the Economic Support Fund, $2,000,000 shall be used to carry out this title. 22 USC 290h-8. 22 USC 2151.

EXPIRATION OF AUTHORITIES

Sec. 511. The authority of the Foundation to make grants, loans, and loan guarantees and otherwise to carry out the purposes of this title shall expire on September 30, 1985, except that this section shall not preclude the Foundation from acquiring obligations prior to that date which mature subsequent to that date or from assuming liability prior to that date as a guarantor of obligations which mature subsequent to that date or from continuing as a body corporate and exercising any of its powers subsequent to that date for purposes of the orderly liquidation of its activities. 22 USC 290h-9.

TITLE VI—PEACE CORPS

AUTHORIZATION OF APPROPRIATIONS

Sec. 601. (a) Section 3(b) of the Peace Corps Act is amended by striking out "fiscal year 1980 not to exceed $105,404,000" and inserting in lieu thereof "fiscal year 1981 not to exceed $118,000,000". 22 USC 2502.

(b) Section 3(c) of such Act is amended by striking out "fiscal year 1980" and inserting in lieu thereof "fiscal year 1981".

(c) Section 15(d)(7) of such Act is amended by striking out "$5,000" and inserting in lieu thereof "$20,000". 22 USC 2514.

AMENDMENTS TO THE DOMESTIC VOLUNTEER SERVICE ACT

Sec. 602. (a) Section 401 of the Domestic Volunteer Service Act of 1973 is amended— 42 USC 5041.

(1) by striking out "two Associate Directors" in the fifth sentence and inserting in lieu thereof "one Associate Director";

(2) by striking out "One such" and by inserting in lieu thereof "Such"; and

(3) by striking out ", and the other such Associate Director" and all that follows through "(22 U.S.C. 2501 et seq.)".

42 USC 5045.

(b) Section 405 of such Act is amended—

(1) in subsection (a) by striking out "and the Peace Corps Act (22 U.S.C. 2501 et seq.)";

(2) in subsection (b)(1) by striking out "and the Peace Corps Act (22 U.S.C. 2501 et seq.)"; and

(3) in subsection (b)(2)—

(A) by striking out "and the Peace Corps Act", and

(B) by striking out "Acts" both places it appears and inserting in lieu thereof "Act".

UTILIZATION OF RETURNED PEACE CORPS VOLUNTEERS

Report to Congress.

SEC. 603. The Director of the Peace Corps shall develop a plan providing for more effective utilization of returned Peace Corps volunteers in order to promote a better understanding of other peoples and cultures on the part of the American people. The Director shall report to the Congress no later than January 15, 1981, on the plan and necessary procedures for implementing the plan.

TITLE VII—MISCELLANEOUS PROVISIONS

HUMAN RIGHTS

22 USC 2151n.

SEC. 701. (a) Section 116(a) of the Foreign Assistance Act of 1961 is amended by inserting "causing the disappearance of persons by the abduction and clandestine detention of those persons," immediately after "without charges,".

22 USC 2304.

(b) Section 502B(d)(1) of such Act is amended by inserting "causing the disappearance of persons by the abduction and clandestine detention of those persons," immediately after "trial,".

7 USC 1712.

(c) Section 112(a) of the Agricultural Trade Development and Assistance Act of 1954 is amended by inserting "causing the disappearance of persons by the abduction and clandestine detention of those persons," immediately after "without charges,".

AUDITING OF INTERNATIONAL PROGRAMS

Report to President and Congress.
22 USC 2221.

SEC. 702. (a) Section 301(d) of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following: "The Comptroller General shall report simultaneously to the Congress and the President the results of the audits conducted under this subsection.".

(b) Section 301(e) of such Act is amended—

(1) in the first sentence of paragraph (1)—

(A) by striking out "a single professionally qualified group" and inserting in lieu thereof "of external, professionally qualified groups", and

(B) by striking out "and evaluation" and inserting in lieu thereof "evaluation, and audits";

(2) in the second sentence of paragraph (1)—

(A) by striking out "group" both places it appears and inserting in lieu thereof "groups", and

(B) by striking out "and evaluation" and inserting in lieu thereof "evaluation, or audit";

(3) in the third sentence of paragraph (1) by striking out "group" and inserting in lieu thereof "groups";

(4) in the first sentence of paragraph (2) by striking out "and evaluation" and inserting in lieu thereof "evaluation, and audits";

(5) in the second sentence of paragraph (2) by striking out "and evaluation" and inserting in lieu thereof "evaluation, or audit"; and

(6) in the second sentence of paragraph (3) by inserting "his evaluation of such reports and related information," immediately after "to the President".

REPORTS ON INTERNATIONAL ORGANIZATIONS

SEC. 703. Chapter 3 of part I of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

22 USC 2226.

"SEC. 306. REPORTS ON INTERNATIONAL ORGANIZATIONS.—(a) The annual reports to the Congress under section 2 of the Act of September 21, 1950 (64 Stat. 902; 22 U.S.C. 262a), shall be submitted within nine months after the end of the fiscal year to which they relate.

Submittal to Congress.

"(b)(1) The President shall submit semiannual reports to the Congress listing all voluntary contributions by the United States Government to international organizations. One of the semiannual reports shall be submitted no later than July 1 and shall list all contributions made during the first six months of the then current fiscal year. The other semiannual report shall be submitted no later than January 1 and shall list all contributions made during the last six months of the preceding fiscal year. Each such report shall specify the Government agency making the voluntary contribution, the international organization to which the contribution was made, the amount and form of the contribution, and the purpose of the contribution. Contributions shall be listed on both an agency-by-agency basis and an organization-by-organization basis.

Report to OMB Director.

"(2) In order to facilitate the preparation of the reports required by paragraph (1), the head of any Government agency which makes a voluntary contribution to any international organization shall promptly report that contribution to the Director of the Office of Management and Budget.

"Contribution."

"(3) As used in this subsection, the term 'contribution' means any contribution of any kind, including the furnishing of funds or other financial support, services of any kind (including the use of experts or other personnel), or commodities, equipment, supplies, or other materiel.".

TECHNICAL AMENDMENT CORRECTING CROSS REFERENCE

22 USC 2304.

SEC. 704. Section 502B(a)(2) of the Foreign Assistance Act of 1961 is amended by striking out "Export Administration Act of 1969" and inserting in lieu thereof "Export Administration Act of 1979".

PROCUREMENT

22 USC 2354.

SEC. 705. (a) Section 604(e) of the Foreign Assistance Act of 1961 is amended by inserting the following immediately before the period at the end thereof: ", unless the commodity to be financed could not reasonably be procured in the United States in fulfillment of the objectives of a particular assistance program under which such commodity procurement is to be financed".

22 USC 2354. (b) Section 604 of such Act is amended by adding at the end thereof the following new subsection:

"(g) None of the funds authorized to be appropriated or made available for obligation or expenditure under this Act may be made available for the procurement of construction or engineering services from advanced developing countries, eligible under the Geographic Code 941, which have attained a competitive capability in international markets for construction services or engineering services.".

INSPECTOR GENERAL

22 USC 2384. SEC. 706. Section 624(g) of the Foreign Assistance Act of 1961 is amended—

(1) by striking out "Auditor General" each place it appears and inserting in lieu thereof "Inspector General";

(2) in paragraph (3)—

(A) by striking out "and investigative" and inserting in lieu thereof ", investigative, and security"; and

(B) by adding at the end thereof the following: "In addition, to the extent requested by the Director of the United States International Development Cooperation Agency (after consultation with the Administrator), the Inspector General shall with respect to the duties and responsibilities of that Agency supervise, direct, and control all audit, investigative, and security activities relating to programs and operations within the United States International Development Cooperation Agency.";

(3) in paragraph (4) by inserting "and the Director" immediately after "Administrator"; and

(4) by adding at the end thereof the following:

Subpena. "(6) The Inspector General shall have the authority to require by subpena the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of functions under this subsection. Any such subpena, in the case of contumacy or refusal to obey, shall be enforceable by order of any appropriate United States district court. Procedures other than subpenas shall be used to obtain documents and information from agencies of the United States Government.

Auditing activities. "(7) In carrying out the responsibilities specified in paragraph (3), the Inspector General shall—

"(A) comply with standards established by the Comptroller General of the United States for audits of Federal establishments, organizations, programs, activities, and functions;

"(B) establish guidelines for determining when it is appropriate to use non-Federal auditors; and

"(C) take appropriate steps to assure that any work performed by non-Federal auditors complies with the standards established by the Comptroller General as described in subparagraph (A).

Administrative assistance. "(8) The Administrator shall provide the Inspector General with appropriate and adequate office space at central and field office locations of the agency primarily responsible for administering part I

22 USC 2151. of this Act, together with such equipment, office supplies, and communications facilities and services as may be necessary for the operation of such offices and the equipment and facilities located in such offices. In establishing and staffing such field offices, the

Administrator shall not be bound by overseas personnel ceilings established under the Monitoring Overseas Direct Employment policy.

Complaints or information.

"(9)(A) The Inspector General may receive and investigate complaints or information from any employee of or under the United States International Development Cooperation Agency concerning the possible existence of an activity constituting a violation of law, rules, or regulations, constituting mismanagement, gross waste of funds, abuse of authority, or constituting a substantial and specific danger to the public health and safety.

"(B) The Inspector General shall not, after receipt of a complaint or information from an employee, disclose the identity of the employee without the consent of the employee, unless the Inspector General determines such disclosure is unavoidable during the course of the investigation.

"(C) Any employee who has authority to take, direct others to take, recommend, or approve any personnel action shall not exercise or threaten to exercise such authority in order to take any action against any employee as a reprisal for making a complaint or disclosing information to the Inspector General, unless the complaint was made or the information disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.".

ANNUAL REPORT

SEC. 707. Section 634(a) of the Foreign Assistance Act of 1961 is amended— 22 USC 2394.

(1) by striking out "and" at the end of paragraph (5);

(2) by redesignating paragraph (6) as paragraph (8); and

(3) by inserting after paragraph (5) the following new paragraphs:

"(6) the dollar value of all official development assistance, security assistance, international disaster assistance, refugee assistance, and international narcotics control assistance provided by each government of a country which is a member of the Organization for Economic Cooperation and Development or of the Organization of Petroleum Exporting Countries;

"(7) the percentage which each type of assistance described in paragraph (6) represents of (A) the gross national product of each country referred to in paragraph (6), and (B) the budget of the government of such country, as well as the per capita contribution for each country for each type of assistance described in paragraph (6); and".

SHIPPING DIFFERENTIAL

SEC. 708. Section 640C of the Foreign Assistance Act of 1961 is amended by striking out "Part V" and inserting in lieu thereof "chapter 4 of part II". 22 USC 2399d.

OPERATING EXPENSES

SEC. 709. Section 667(a) of the Foreign Assistance Act of 1961 is amended— 22 USC 2427.

(1) by striking out "fiscal year 1980" and inserting in lieu thereof "fiscal year 1981"; and

(2) in paragraph (1) by striking out "$263,000,000" and inserting in lieu thereof "$293,800,000".

INTERAGENCY GROUP ON HUMAN RIGHTS AND FOREIGN ASSISTANCE

SEC. 710. It is the sense of the Congress that—

(1) the Interagency Group on Human Rights and Foreign Assistance has been an effective mechanism for coordinating and implementing United States human rights policies;

(2) the President should consider establishing the Interagency Group on a more permanent basis;

(3) the Interagency Group should examine proposals for not only economic assistance but also for security assistance; and

(4) the President should report his recommendations for strengthening the Interagency Group to the Congress no later than July 1, 1981.

PEACE IN THE MIDDLE EAST

22 USC 3401 note.

SEC. 711. (a) It is the sense of the Congress that all parties to the Arab-Israeli conflict need to reaffirm their unequivocal commitment to the peace process in order to achieve further progress toward a comprehensive settlement, to reinforce the principles of the Camp David accords, and to take actions to encourage parties not currently involved in the peace process to become active participants in peace efforts.

(b) It is further the sense of the Congress that to further these goals (1) all parties to the conflict should accept Israel's unequivocal right to exist within secure and recognized borders; (2) the Governments of Israel and Egypt should maintain and strengthen their commitment to the process of normalization of relations and continue actions to support that commitment; (3) the Governments of Israel and Egypt should reaffirm their commitment to United Nations Resolution 242 and its applicability, in all its aspects, to territories under negotiations; and (4) the governments of countries in the Middle East should assure that their policies and actions are consistent with the objectives of achieving peace and of involving other parties in the peace process.

ASSISTANCE FOR JORDAN

22 USC 2151 note.

SEC. 712. It is the sense of the Congress that for Jordan to receive any funds authorized to be appropriated by this Act, it should be judged by the President that Jordan is acting in good faith to achieve peace in the Middle East and that the expenditure of such funds for Jordan will serve to further peace in the Middle East.

EXTERNAL DEBT BURDENS OF EGYPT, ISRAEL, PORTUGAL, AND TURKEY

SEC. 713. The Congress finds that the Governments of Egypt, Israel, Portugal, and Turkey each have an enormous external debt burden which may be made more difficult by virtue of financing provided for those governments under various United States assistance programs. In order to assist the Congress in examining United States assistance for these countries, the President shall transmit to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate, no later than January 15, 1981, a report regarding economic conditions prevailing in Egypt, Israel, Portugal, and Turkey which may affect their respective ability to meet their international debt obligations and to stabilize their economies.

Report to Congress.

SOVIET MILITARY PERSONNEL AND ACTIVITIES IN CUBA

Reports to Congress. 22 USC 2370 note.

SEC. 714. (a) At intervals of 90 days during the first year after the date of enactment of this Act, the President shall prepare and transmit to the Congress a report identifying the military capabilities and deployment of Soviet military personnel in Cuba, together with his appraisal of the mission performed by such personnel.

(b) At intervals of one year after the date of enactment of this Act, the President shall prepare and transmit to the Congress a report setting forth the amount and nature of Soviet military assistance to the armed forces of Cuba during the preceding year and the military capabilities of those armed forces.

CUBAN REFUGEES

22 USC 2151 note.

SEC. 715. (a) The Congress finds that—

(1) the flow of refugees for political, economic, or other compelling reasons is a growing and world-wide phenomenon;

(2) the United States represents freedom of thought and action and economic opportunity and has historically played a major role in providing a home to the refugees of the world;

(3) an orderly and lawful refugee process is necessary for the furtherance of United States domestic well-being;

(4) continuation of the traditional compassionate and humanitarian policy of the United States regarding entry to its shores of refugees and other victims of oppression is threatened by the precipitate influx of large numbers of Cubans fleeing their country;

(5) the United States has sought to negotiate with the Government of Cuba to establish a lawful, safe, and orderly process by which Cubans may be allowed to leave their country; and

(6) the Cuban refugee crisis is a problem of international concern and other nations should contribute to its resolution.

(b)(1) The Congress urges the President to take the necessary steps to encourage and secure greater international cooperation with respect to the large number of Cuban natives who have recently fled or are attempting to flee Cuba. Such steps should include seeking the agreement of other countries to admit some of those persons into their respective countries and to contribute funds and other assistance for the resettlement of those persons.

(2) In order to encourage countries throughout the world which are recipients of United States bilateral and multilateral assistance to permit and to help finance the resettlement of Cuban and other refugees within their borders, the President shall, to the maximum extent feasible, attempt to channel such assistance to countries which have demonstrated a willingness to provide assistance to Cuban and other refugees.

(c) It is the sense of the Congress that, in carrying out subsection (b)(1), the President should seek the discussion, in an appropriate international forum such as the United Nations or the Organization of American States, of the situation involving the flight of large numbers of Cuban natives from Cuba, of the resettlement of Cuban refugees, and of means by which a more orderly process may be established to handle future crises of a similar nature.

INCARCERATION AND DEPORTATION OF CERTAIN CUBANS

8 USC 1522 note.

SEC. 716. The Congress finds that the United States Government has already incarcerated recently arrived Cubans who are admitted criminals, are security threats, or have incited civil disturbances in Federal processing facilities. The Congress urges the Executive branch, consistent with United States law, to seek the deportation of such individuals.

PROHIBITION ON ASSISTANCE TO THE GOVERNMENTS OF CUBA, VIETNAM, AND CAMBODIA

22 USC 2151 note.

SEC. 717. None of the funds authorized to be appropriated by this Act may be used to provide assistance to the Governments of Cuba, Vietnam, or Cambodia. Nothing in this section shall be construed to prohibit food assistance or humanitarian assistance which is distributed directly to the people of Cambodia.

COOPERATION OF OTHER GOVERNMENTS IN THE BOYCOTT OF THE 1980 SUMMER OLYMPIC GAMES IN MOSCOW

SEC. 718. In determining the levels of assistance to be provided to a foreign government with funds authorized to be appropriated by this Act, the President shall take into account the position of that government with respect to the United States-proposed boycott of the 1980 summer Olympic games in Moscow.

ELECTIONS IN UGANDA

SEC. 719. The President shall encourage the holding of free, open elections in Uganda and shall, in considering assistance for Uganda with funds authorized to be appropriated by this Act, take into account whether such elections are held.

REPORT TO CONGRESS ON THE IMPLEMENTATION OF THE LANCASTER HOUSE DECLARATION OF RIGHTS IN ZIMBABWE

SEC. 720. If Zimbabwe receives assistance from funds authorized to be appropriated by this Act, the President shall report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives every sixty days after the obligation of such funds on the internal situation in Zimbabwe, particularly upon the implementation of the Declaration of Rights contained in Annex C of the agreement signed at Lancaster House, London, by the participants in the Constitutional Conference on Southern Rhodesia on December 22, 1979.

RESTRICTION ON ASSISTANCE TO EL SALVADOR

SEC. 721. None of the funds authorized to be appropriated by this Act may be made available for the provision of assistance to El Salvador for the purpose of planning for compensation, or for the purpose of compensation, for the confiscation, nationalization, acquisition, or expropriation of any agricultural or banking enterprise, or of the properties or stock shares which may be pertaining thereto.

Approved December 16, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-884, pt. 1 (Comm. on Foreign Affairs), No. 96-884, pt. 2, (Permanent Select Comm. on Intelligence), and No. 96-1471 (Comm. of Conference).
SENATE REPORT No. 96-732 accompanying S. 2714 (Comm. on Foreign Relations).
CONGRESSIONAL RECORD, Vol. 126 (1980):
  May 22, 28, 20, June 5, considered and passed House.
  June 17, considered and passed Senate, amended, in lieu of S. 2714.
  Dec. 2, House agreed to conference report.
  Dec. 3, Senate agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 16, No. 51:
  Dec. 16, Presidential statement.

Public Law 96-534
96th Congress

An Act

Dec. 16, 1980
[S. 1835]

To extend the Joint Funding Simplification Act of 1974.

Joint Funding Simplification Act of 1974, extension.
42 USC 4251 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, **That section 13 of the Joint Funding Simplification Act of 1974 is amended by striking out "five" and inserting "ten".**

Approved December 16, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1485 (Comm. on Government Operations).
SENATE REPORT No. 96-530 (Comm. on Governmental Affairs).
CONGRESSIONAL RECORD,
  Vol. 125 (1979): Dec. 20, considered and passed Senate.
  Vol. 126 (1980): Dec. 2, considered and passed House.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 16, No. 51:
  Dec. 16, Presidential statement.

Public Law 96-535
96th Congress

An Act

To amend title 32, United States Code, to allow Federal recognition as officers of the National Guard of members of the National Guard of the Virgin Islands in grades above the grade of colonel.

Dec. 16, 1980
[H.R. 5856]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (g) of section 307 of title 32, United States Code, is repealed.

National Guard of the Virgin Islands.

Approved December 16, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1225 (Comm. on Armed Services).
SENATE REPORT No. 96-1050 (Comm. on Armed Services).
CONGRESSIONAL RECORD, Vol. 126 (1980):
 Sept. 15, considered and passed House.
 Dec. 4, considered and passed Senate.

Public Law 96-536
96th Congress

Joint Resolution

Dec. 16, 1980
[H.J. Res. 644]

Making further continuing appropriations for the fiscal year 1981, and for other purposes.

Further Continuing appropriations for fiscal year 1981.

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1981, and for other purposes, namely:

SEC. 101. (a)(1) Such amounts as may be necessary for projects or activities (not otherwise specifically provided for in this joint resolution) for which appropriations, funds, or other authority would be available in the following appropriation Acts:

Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Act, 1981; and

Treasury, Postal Service, and General Government Appropriation Act, 1981.

(2) Appropriations made by this subsection shall be available to the extent and in the manner which would be provided by the pertinent appropriation Act.

(3) Whenever the amount which would be made available or the authority which would be granted under an Act listed in this subsection as passed by the House as of October 1, 1980, is different from that which would be available or granted under such Act as passed by the Senate as of October 1, 1980, the pertinent project or activity shall be continued under the lesser amount or the more restrictive authority: *Provided,* That where an item is included in only one version of an Act as passed by both Houses as of October 1, 1980, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House, but at a rate for operations not exceeding the current rate or the rate permitted by the action of the one House, whichever is lower, and under the authority and conditions provided in applicable appropriation Acts for the fiscal year 1980.

(4) Whenever an Act listed in this subsection has been passed by only the House as of October 1, 1980, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the House, at a rate for operations not exceeding the rate permitted by the action of the House, and under the authority and conditions provided in applicable appropriation Acts for the fiscal year 1980, except section 201 of title II of the Departments of Labor, and Health, Education, and Welfare and Related Agencies Appropriations Act, 1980 (H.R. 4389) as adopted by the House of Representatives on August 2, 1979.

(5) No provision which is included in an appropriation Act enumerated in this subsection but which was not included in the applicable appropriation Act of 1980, and which by its terms is applicable to

more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in the joint resolution unless such provision shall have been included in identical form in such bill as enacted by both the House and the Senate.

(b) Notwithstanding section 10 of Public Law 91-672, the amendments made by sections 201 and 501 of Public Law 95-118, and section 15(a) of the Act entitled, "An Act to provide certain basic authority for the Department of State", approved August 1, 1956, as amended, such amounts as are necessary to carry out the rates and terms agreed to in the Conference Report 96-1536 as reported and agreed to December 13, 1980, for section 101(b) of H.J. Res. 637.

22 USC 2412.
22 USC 286e-1f, 285s, 285t.
22 USC 2680.

(c) Such amounts as may be necessary for continuing projects and activities under all the conditions and to the extent and in the manner as provided in H.R. 7593, entitled the "Legislative Branch Appropriation Act, 1981", as passed the House of Representatives, July 21, 1980, and the provisions of H.R. 7593 shall be effective as if enacted into law; except that the provisions of section 309 of H.R. 7593 shall not apply to the General Accounting Office, and the last proviso under the heading "Government Printing Office, Office of Superintendent of Documents, Salaries and Expenses" in H.R. 7593 shall not apply, and the provisions of section 306 (a), (b), and (d) of H.R. 7593 (providing salary pay cap limitations for executive, legislative, and judicial employees and officials) shall apply to any appropriation, fund, or authority made available for the period October 1, 1980, through June 5, 1981, by this or any other Act. Notwithstanding section 102(c) of this joint resolution, for mileage of Members, as authorized by law, $210,000.

5 USC 5318 note.

(d) Such amounts as may be necessary for continuing the following activities not otherwise provided for, which were conducted in fiscal year 1980, but at a rate for operations not in excess of the rate for fiscal year 1980: *Provided,* That no appropriation or fund made available or authority granted pursuant to this subsection shall be used to initiate or resume any project or activity for which appropriations, funds, or authority were not available during fiscal year 1980:

activities of the Council on Wage and Price Stability;

activities for which disbursements are made by the Secretary of the Senate, and the Senate items under the Architect of the Capitol;

activities of the National Health Service Corps under section 338(a) of the Public Health Service Act; 42 USC 254k.

activities for support of nursing research under section 301 of the Public Health Service Act; 42 USC 241.

activities for support of health professions education and nurse training under titles VII and VIII of the Public Health Service Act including authority to guarantee new loans under the Health Education Assistance Loans (HEAL) program; 42 USC 292, 296.

activities under the Community Mental Health Centers Act; 42 USC 2689 *et seq.*

activities of the National Arthritis Advisory Board and the National Diabetes Advisory Board; and

activities under title IV, part A, subparts 2 and 3, and titles VII and VIII of the Comprehensive Employment and Training Act, except that activities under title VIII shall be conducted at not to exceed an annual rate for new obligations of $200,000,000. 29 USC 891, 893, 899, 907, 981, 991.

(e) Such amounts as may be necessary to permit payments and assistance mandated by law for the following activities under the terms, conditions and limitations included in the applicable appropriation Act for 1980:

30 USC 901.

activities under title IV of the Federal Mine Health and Safety Act of 1977;

42 USC 1305.

activities under the Social Security Act;

retirement pay and medical benefits for commissioned officers of the Public Health Service;

20 USC 1071.

activities under title IV, part B, of the Higher Education Act;

Effective date.
Ante, p. 1504.
Ante, p. 1442.

Notwithstanding paragraph 1393(a) of the Education Amendments of 1980, paragraph 446 of such amendments shall be effective on July 1, 1981;

notwithstanding any other provision of this joint resolution except section 102, activities of the Department of Labor, Employment and Training Administration for "Federal unemployment benefits and allowances" and "Advances to the unemployment trust fund and other funds"; and

activities of the Department of Labor, Employment Standards Administration for "Special benefits" and "Black Lung Disability Trust Fund".

(f) Such amounts as may be necessary for Department of Energy, Operating Expenses, Energy Supply, Research and Development Activities, to continue the breeder reactor demonstration project, or such project alternative as may be approved by Congress in authorizing legislation, at the current rate of operations notwithstanding the provisions of section 102 (a) and (b) of this joint resolution.

(g) Activities of the Department of Health and Human Services to process, maintain, return or resettle Cuban and Haitian entrants shall be funded at not to exceed an annual rate provided in the budget estimate.

31 USC 1221 note.
Post, p. 3516.

(h) Notwithstanding any other provision of law, amounts appropriated to the State and Local Government Fiscal Assistance Trust Fund shall be available for payments to units of local government in accordance with the provisions and conditions set forth in the State and Local Fiscal Assistance Act of 1972, as amended and as further amended by H.R. 7112 as enacted by the Congress, for a one-year entitlement period beginning October 1, 1980, but at not to exceed an annual rate for operations of $4,566,700,000.

Appropriation authorization.

(i) Notwithstanding any other provision of this joint resolution: There is appropriated an additional amount of $46,700,000, to remain available until expended, for Department of Energy, Operating Expenses, Atomic Energy Defense Activities, and an additional amount of $65,300,000, to remain available until expended, for Department of Energy, Plant and Capital Equipment, Atomic Energy Defense Activities, such amounts to be merged with and subject to the same provisions as amounts previously provided for such Activities in Public Law 96-367, Energy and Water Development Appropriation Act, 1981; section 120(b) of the Water Resources Development Act of 1976 (90 Stat. 2924) is amended by striking out "for the fiscal years ending September 30, 1978, and September 30, 1979,"; and appropriations and funds made available to the Appalachian Regional Commission, including the Appalachian Regional Development Programs, by this or any other Act shall be used by the Commission in accordance with the provisions of the applicable appropriation Act and pursuant to the Appalachian Regional Development Act of 1965, as amended, notwithstanding the provisions of section 405 of said Act.

Ante, p. 1331.
42 USC 1962d-5d.
40 USC app. 1.
40 USC app. 405.

(j) Notwithstanding section 101(a) of this joint resolution, not to exceed $1,850,000,000 shall be available for an annual rate for operations to continue the low-income energy assistance program under the State allocations provided for in H.R. 7998 as passed the House of Representatives August 27, 1980, and in House Report

96-1244, except that the sum of $50,000,000 shall be reserved for payments to any State which would receive under the above formula an amount less than 75 per centum of the amount it would have received under the State allocation formula for low-income energy assistance as provided in the regulations published on May 30, 1980, in volume 45, numbered 106, Federal Register, pages 36810-36838, such payments to be, to the maximum extent possible, the amount necessary for the allocations to those States to be equal to 75 per centum of their allocation under such regulations; the energy assistance program shall be continued under the terms and conditions of such regulations and any nonformula amendments thereto, except that an eligible household shall also include any single person household at or below 125 per centum of poverty: *Provided*, That none of the funds appropriated in this paragraph shall be used to provide assistance either in cash or in kind to any household during fiscal year 1981 which exceeds a value of $750, except this $750 limitation may be waived by the Secretary of Health and Human Services upon request of a State. Waiver.

(k) Notwithstanding section 102(c) of this joint resolution, such amounts as may be necessary for programs, projects, and activities provided for in the Agriculture, Rural Development, and Related Agencies Appropriation Act, 1981 (H.R. 7591), to the extent and in the manner provided for in such Act as enacted by the Congress. *Ante*, p. 3095.

(l) Notwithstanding section 102(c) of this joint resolution, such amounts as may be necessary for programs, projects, and activities provided for in the District of Columbia Appropriation Act, 1981 (H.R. 8061), to the extent and in the manner provided for in such Act as enacted by the Congress. *Ante*, p. 3121.

(m) Notwithstanding section 102(c) of this joint resolution, such amounts as may be necessary for programs, projects, and activities provided for in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1981 (H.R. 7631), to the extent and in the manner provided for in such Act as enacted by the Congress. *Ante*, p. 3044.

(n) Notwithstanding section 102(c) of this joint resolution, such amounts as may be necessary for programs, projects, and activities provided for in the Department of the Interior and Related Agencies Appropriation Act, 1981 (H.R. 7724) to the extent and in the manner provided for in such Act as enacted by the Congress. *Ante*, p. 2957.

(o) Notwithstanding section 102(c) of this joint resolution, such amounts as may be necessary for programs, projects, and activities provided for in the Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1981 (H.R. 7584), to the extent and in the manner provided for in such Act as enacted by the Congress, except section 606 of such Act.

(p) Notwithstanding section 102(c) of this joint resolution, such amounts as may be necessary for programs, projects, and activities provided for in the Department of Defense Appropriation Act, 1981 (H.R. 8105) to the extent and in the manner provided for in such Act as enacted by the Congress. *Ante*, p. 3068.

Funding availability.

SEC. 102. Appropriations and funds made available and authority granted pursuant to this joint resolution shall be available from December 15, 1980, and shall remain available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) enactment of the applicable appropriation Act by both Houses without any provision for such project or activity, or (c) June 5, 1981, whichever first occurs.

SEC. 103. Appropriations and funds made available or authority granted pursuant to this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in section 665(d)(2) of title 31, United States Code, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

SEC. 104. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such projects or activity are available under this joint resolution.

SEC. 105. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 106. All obligations incurred in anticipation of the appropriations and authority provided in this joint resolution for the purposes of maintaining the minimum level of essential activities necessary to protect life and property and bringing about orderly termination of other functions are hereby ratified and confirmed if otherwise in accordance with the provisions of this joint resolution.

SEC. 107. No provision in any appropriation Act for the fiscal year 1981 that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation shall be effective before the date set forth in section 102(c) of this joint resolution.

Prayer and meditation in public schools.

SEC. 108. Notwithstanding any other provision of this joint resolution except section 102, none of the funds made available by this joint resolution for programs and activities for which appropriations would be available in H.R. 7998, entitled the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Act, 1981, as passed the House of Representatives on August 27, 1980, shall be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

Abortions.

SEC. 109. Notwithstanding any other provision of this joint resolution except section 102, none of the funds made available by this joint resolution for programs and activities for which appropriations would be available in H.R. 7998, entitled the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Act, 1981, as passed the House of Representatives on August 27, 1980, shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims or rape or incest when such rape has been reported within seventy-two hours to a law enforcement agency or public health service; nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy; *Provided, however,* That the several States are and shall remain free not to fund abortions to the extent that they in their sole discretion deem appropriate.

91 Stat. 1460.
20 USC 2565.

SEC. 110. Funds contained in Public Law 95-205 for carrying out section 525 of the Education Amendments of 1976 shall remain available through September 30, 1982.

SEC. 111. Notwithstanding any other provision of this joint resolution, there is appropriated such amounts as are required for allowances and office staff for the former President pursuant to 3 U.S.C. 102 note: *Provided,* That the aggregate amount to be expended for the Allowances and Office Staff for Former Presidents account shall not exceed $823,000: *Provided further,* That such amounts as are necessary may be expended under Operating Expenses, National Archives and Records Service for the provision of a temporary repository and essential archival processing of Presidential materials.

SEC. 112. Notwithstanding any other provision of this joint resolution, there is appropriated for settlement of claims against the Coast Guard pursuant to section 646 of title 14, United States Code, $198,523.41 and for settlement of claims by the Seneca Nation of Indians pursuant to section 10 of the Act of August 31, 1964 (78 Stat. 738), $19,774.95.

SEC. 113. Notwithstanding the provisions of section 101(a) of this joint resolution, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses and ambulances), is hereby fixed at $6,000, except station wagons, for which the maximum shall be $6,400: *Provided,* That these limits may be exceeded by not to exceed $1,700 for police-type vehicles, and by not to exceed $3,600 for special heavy duty vehicles: *Provided further,* That preference should be given for the purchase of American made vehicles.

31 USC 638c.

SEC. 114. The Administrator of the Small Business Administration, pursuant to section 4(c)(5)(A) of the Small Business Act, as amended, is authorized to issue notes to the Secretary of the Treasury in an amount not to exceed $600,000,000 for the purpose of providing Disaster Loans in addition to the amount provided for such purpose in H.R. 7584 as adopted by the House of Representatives on November 21, 1980, and to transfer an amount not to exceed $10,000,000 to "Salaries and Expenses".

Ante, p. 842.

SEC. 115. Notwithstanding any other provision of this joint resolution, there is hereby appropriated an additional amount for capital outlay, Panama Canal Commission, of $10,210,000 for navigation projects to be derived from the Panama Canal Commission Fund and to remain available until expended: *Provided,* That all such funds be derived solely from tolls and other charges for services provided by the Panama Canal Commission.

Appropriation authorization.

SEC. 116. None of the funds appropriated by this joint resolution may be used to disqualify, pursuant to section 411(d)(1)(B) of the Internal Revenue Code of 1954, any plan which has vesting requirements or provides for nonforfeitable rights to benefits, equal to or more stringent than 4/40.

26 USC 411.

None of the funds appropriated by this joint resolution may be used to issue an unfavorable advance determination letter, pursuant to section 411(d)(1)(B) of the Internal Revenue Code of 1954, with respect to any plan which has vesting requirements or provides for nonforfeitable rights to benefits, equal to or more stringent than 4/40.

SEC. 117. Notwithstanding any other provision of law, no funds available to the Secretary of Education shall be used to adopt or enforce any final regulations which replace the current "Lau remedies" for use as a guideline concerning the scope or adequacy of services to be provided to students of limited English-language proficiency, or for defining entry and exit criteria for such services, before June 1, 1981.

SEC. 118. Notwithstanding any other provision of this joint resolution, or Public Law 96-369: For temporary employment assistance under title VI of the Comprehensive Employment and Training Act, no more than $729,000,000 of new budget authority shall be available during fiscal year 1981; notwithstanding subpart (4) of part A of title

Ante, p. 1351.
29 USC 961.

29 USC 893.

IV of the Comprehensive Employment and Training Act, new budget authority for the youth employment and training program under subpart (3) of part A of title IV of that Act shall be at the annual rate of $746,000,000.

Publication in Federal Register, use of funds.

SEC. 119. None of these funds may be used for the purpose of publishing in the Federal Register, implementing or enforcing the proposed Conditions of Participation for Skilled Nursing Facilities (SNF's) or Intermediate Care Facilities (ICF's) which were first published as proposed in the Federal Register on July 14, 1980, prior to receipt of revised cost estimates by the Department and the final draft of a General Accounting Office evaluation of the impact of the proposed regulations, and in no case, prior to January 12, 1981.

Approved December 16, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-1484 accompanying H.J. Res. 637 (Comm. on Appropriations) and No. 96-1536 accompanying H.J. Res. 637 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 126 (1980):

Dec. 3, H.J. Res. 637 considered and passed House.

Dec. 10, 11, H.J. Res. 637 considered and passed Senate, amended.

Dec. 12, House disagreed to Senate amendments.

Dec. 13, House agreed to conference report; concurred in certain Senate amendments and in others with amendments; Senate agreed to conference report, and insisted on its amendment No. 7; House agreed to further conference; H.J. Res. 644 considered and passed House.

Dec. 15, Senate further insisted on its amendment No. 7 to H.J. Res. 637; H.J. Res. 644 considered and passed Senate, amended; House agreed to Senate amendment with an amendment.

Dec. 16, Senate agreed to House amendment.

Public Law 96-537
96th Congress

An Act

To amend the Indian Health Care Improvement Act and the Public Health Service Act with respect to Indian health care, and for other purposes.

Dec. 17, 1980
[S. 2728]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Indian Health Care Amendments of 1980".

Indian Health Care Amendments of 1980.
25 USC 1601 note.

(b) Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Indian Health Care Improvement Act (90 Stat. 1400).

25 USC 1601 note.

DEFINITIONS

SEC. 2. (a) Section 4(a) is amended by striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Secretary of Health and Human Services".

25 USC 1603.

(b) Section 4(h) is amended by striking out "composed of urban Indians" and inserting in lieu thereof "governed by an Indian controlled board of directors".

(c) Section 4 is amended by adding the following new subsections at the end thereof:

"(i) 'Rural Indian' means any individual who resides in a rural community as defined in subsection (j), who is an Indian within the meaning of subsection (c), and who is not otherwise eligible to receive health services from the Service.

"(j) 'Rural community' means any community that—

"(1) is not located on a Federal Indian reservation or trust area;

"(2) is not an Alaskan Native village;

"(3) is not an urban center; and

"(4) has a sufficient rural Indian population with unmet health needs, as determined by the Secretary, to warrant assistance under title V of this Act.

Post, p. 3176.

"(k) 'Rural Indian organization' means a nonprofit corporate body governed by a board of directors controlled by rural Indians and providing for the maximum participation of all interested Indian groups and individuals, which body is capable of legally cooperating with other public and private entities for the purpose of performing the activities described in section 503(a).".

Post, p. 3177.

INDIAN HEALTH MANPOWER

SEC. 3. (a) Section 102(c) is amended by striking out the last sentence and inserting in lieu thereof the following: "There are authorized to be appropriated to carry out this section $2,300,000 for the fiscal year ending September 30, 1981, $2,600,000 for the fiscal year ending September 30, 1982, $3,000,000 for the fiscal year ending September 30, 1983, and $3,500,000 for the fiscal year ending September 30, 1984.".

25 USC 1612.

25 USC 1613.

(b)(1) Section 103(b) is amended to read as follows:

"(b) Scholarship grants made pursuant to this section shall be for the following purposes:

"(1) Compensatory preprofessional education of any grantee, such scholarship not to exceed two years.

"(2) Pregraduate education of any grantee leading to a baccalaureate degree in an approved premedicine, predentistry, preosteopathy, preveterinary medicine, preoptometry, or prepodiatry curriculum, such scholarship not to exceed four years.".

(2) Section 103(d) is amended by striking out the last sentence and inserting in lieu thereof the following: "There are authorized to be appropriated to carry out this section $3,510,000 for the fiscal year ending September 30, 1981, $4,000,000 for the fiscal year ending September 30, 1982, $4,620,000 for the fiscal year ending September 30, 1983, and $5,300,000 for the fiscal year ending September 30, 1984.".

25 USC 1614.

(c) Section 105(d) is amended by striking out the last sentence thereof and inserting in lieu thereof the following: "There are authorized to be appropriated to carry out this section $990,000 for the fiscal year ending September 30, 1981, $1,140,000 for the fiscal year ending September 30, 1982, $1,310,000 for the fiscal year ending September 30, 1983, and $1,510,000 for the fiscal year ending September 30, 1984.".

42 USC 294y-1.

(d)(1) The first sentence of section 757(a) of the Public Health Service Act is amended by striking out "and for each of the succeeding four fiscal years such sums as may be specifically authorized by an Act enacted after the date of enactment of this section" and inserting in lieu thereof "$9,000,000 for the fiscal year ending September 30, 1981, $10,300,000 for the fiscal year ending September 30, 1982, $11,800,000 for the fiscal year ending September 30, 1983, and $13,600,000 for the fiscal year ending September 30, 1984".

(2) Section 757(b)(2) is amended—

(A) by striking out "his" and inserting in lieu thereof "the applicable"; and

(B) by striking out "him" and inserting in lieu thereof "the Secretary".

INDIAN HEALTH SERVICES

Appropriation authorization.
25 USC 1621.

SEC. 4. (a)(1) Section 201(c)(1) is amended by adding the following sentence at the end thereof: "There are authorized to be appropriated $20,250,000 for the fiscal year ending September 30, 1981, $23,000,000 for the fiscal year ending September 30, 1982, $26,500,000 for the fiscal year ending September 30, 1983, and $30,500,000 for the fiscal year ending September 30, 1984, and such further additional positions are authorized as may be necessary for each such fiscal year.".

(2) Section 201(c)(2) is amended by adding the following sentence at the end thereof: "There are authorized to be appropriated $6,400,000 for the fiscal year ending September 30, 1981, $7,350,000 for the fiscal year ending September 30, 1982, $8,450,000 for the fiscal year ending September 30, 1983, and $9,700,000 for the fiscal year ending September 30, 1984, and such further additional positions are authorized as may be necessary for each such fiscal year.".

(3) Section 201(c)(3) is amended by adding the following sentence at the end thereof: "There are authorized to be appropriated $1,875,000, for the fiscal year ending September 30, 1981, $2,150,000 for the fiscal year ending September 30, 1982, $2,500,000 for the fiscal year ending September 30, 1983, and $2,875,000 for the fiscal year ending Septem-

ber 30, 1984, and such further additional positions are authorized as may be necessary for each such fiscal year.".

(b)(1) Section 201(c)(4)(A) is amended by adding the following sentence at the end thereof: "There are authorized to be appropriated $2,500,000 for the fiscal year ending September 30, 1981, $2,875,000 for the fiscal year ending September 30, 1982, $3,300,000 for the fiscal year ending September 30, 1983, and $3,800,000 for the fiscal year ending September 30, 1984, and such further additional positions are authorized as may be necessary for each such fiscal year.". 25 USC 1621.

(2) Section 201(c)(4)(B) is amended by adding the following sentence at the end thereof: "There are authorized to be appropriated $750,000 for the fiscal year ending September 30, 1981, $870,000 for the fiscal year ending September 30, 1982, $1,000,000 for the fiscal year ending September 30, 1983, and $1,150,000 for the fiscal year ending September 30, 1984, and such further additional positions are authorized as may be necessary for each such fiscal year.".

(3) Section 201(c)(4)(C) is amended by adding the following sentence at the end thereof: "There are authorized to be appropriated $2,350,000 for the fiscal year ending September 30, 1981, $2,700,000 for the fiscal year ending September 30, 1982, $3,100,000 for the fiscal year ending September 30, 1983, and $3,600,000 for the fiscal year ending September 30, 1984, and such further positions are authorized as may be necessary for each such fiscal year.".

(4) Section 201(c)(4)(D) is amended by adding the following sentence at the end thereof: "There are authorized to be appropriated $460,000 for the fiscal year ending September 30, 1981, $525,000 for the fiscal year ending September 30, 1982, $600,000 for the fiscal year ending September 30, 1983, and $690,000 for the fiscal year ending September 30, 1984, and such further additional positions are authorized as may be necessary for each such fiscal year.".

(5) Section 201(c)(4)(E) is amended by adding the following sentence at the end thereof: "There are authorized to be appropriated $250,000 for the fiscal year ending September 30, 1981, $285,000 for the fiscal year ending September 30, 1982, $325,000 for the fiscal year ending September 30, 1983, and $375,000 for the fiscal year ending September 30, 1984.".

(c)(1) Section 201(c)(5) is amended by adding the following sentence at the end thereof: "There are authorized to be appropriated $16,500,000 for the fiscal year ending September 30, 1981, $19,000,000 for the fiscal year ending September 30, 1982, $22,000,000 for the fiscal year ending September 30, 1983, and $25,100,000 for the fiscal year ending September 30, 1984.".

(2) Section 201(c)(6) is amended by adding the following sentence at the end thereof: "There are authorized to be appropriated $5,000,000 for the fiscal year ending September 30, 1981, $5,750,000 for the fiscal year ending September 30, 1982, $6,600,000 for the fiscal year ending September 30, 1983, and $7,600,000 for the fiscal year ending September 30, 1984, and such further additional positions are authorized as may be necessary for each such fiscal year.".

(3) Section 201(c) is amended by striking out paragraph (7).

INDIAN HEALTH FACILITIES

SEC. 5. Title III is amended by adding the following new section at the end thereof:

"AUTHORIZATIONS

25 USC 1634.

"SEC. 305. There are authorized to be appropriated to carry out sections 301 and 302 for the fiscal year ending September 30, 1981, for the fiscal year ending September 30, 1982, for the fiscal year ending September 30, 1983, and for the fiscal year ending September 30, 1984, such sums as may be necessary.".

ACCESS TO HEALTH SERVICES

SEC. 6. Title IV is amended by adding the following new section at the end thereof:

"GRANTS TO AND CONTRACTS WITH TRIBAL ORGANIZATIONS

25 USC 1622.

"SEC. 404. (a) The Secretary, acting through the Service, shall make grants to or enter into contracts with tribal organizations to assist such organizations in establishing and administering programs on or near Federal Indian reservations and trust areas and in or near Alaska Native villages to assist individual Indians to—

"(1) enroll under section 1818 of part A and sections 1836 and 1837 of part B of title XVIII of the Social Security Act;

42 USC 1395i-2, 1395o, 1395p.

"(2) pay monthly premiums for coverage due to financial need of such individual; and

"(3) apply for medical assistance provided pursuant to title XIX of the Social Security Act.

42 USC 1396.

"(b) The Secretary, acting through the Service, shall place conditions as deemed necessary to effect the purpose of this section in any contract or grant which the Secretary makes with any tribal organization pursuant to this section. Such conditions shall include, but are not limited to, requirements that the organization successfully undertake to—

"(1) determine the population of Indians to be served that are or could be recipients of benefits under titles XVIII and XIX of the Social Security Act;

42 USC 1395, 1396.

"(2) assist individual Indians in becoming familiar with and utilizing such benefits;

"(3) provide transportation to such individual Indians to the appropriate offices for enrollment or application for medical assistance;

"(4) develop and implement a schedule of income levels to determine the extent of payment of premiums by such organization for coverage of needy individuals; and methods of improving the participation of Indians in receiving the benefits provided pursuant to titles XVIII and XIX of the Social Security Act.

Appropriation authorization.

"(c) There are authorized to be appropriated $5,000,000 for the fiscal year ending September 30, 1981, $5,750,000 for the fiscal year ending September 30, 1982, $6,615,000 for the fiscal year ending September 30, 1983, and $7,610,000 for the fiscal year ending September 30, 1984.".

HEALTH SERVICES FOR URBAN AND RURAL INDIANS

SEC. 7. Title V is amended to read as follows:

"TITLE V—HEALTH SERVICES FOR URBAN AND RURAL INDIANS

"PURPOSE

"SEC. 501. The purpose of this title is to encourage the establishment of programs in urban areas and rural communities to make health services more accessible to the urban and rural Indian populations, respectively. 25 USC 1651.

"CONTRACTS WITH URBAN AND RURAL INDIAN ORGANIZATIONS

"SEC. 502. The Secretary, acting through the Service, shall enter into contracts with urban Indian organizations and with rural Indian organizations to assist such organizations to establish and administer, in the urban centers or rural communities in which such organizations are situated, programs which meet the requirements set forth in sections 503 and 504. 25 USC 1652.

"CONTRACT ELIGIBILITY

"SEC. 503. (a) The Secretary, acting through the Service, shall place such conditions as deemed necessary to effect the purpose of this title in any contract which the Secretary makes with any urban or rural Indian organization pursuant to this title. Such conditions shall include, but are not limited to, requirements that the organization successfully undertake to— 25 USC 1653.

"(1) determine the population of urban or rural Indians which are or could be recipients of health referral or care services;

"(2) identify all public and private health service resources within the urban center or rural community in which the organization is situated which are or may be available to urban Indians or rural Indians, respectively;

"(3) assist such health services resources in providing service to such urban or rural Indians;

"(4) assist such urban or rural Indians in becoming familiar with and utilizing such resources;

"(5) provide basic health education to such urban or rural Indians;

"(6) establish and implement manpower training programs to accomplish the referral and education tasks set forth in clauses (3) through (5) of this subsection;

"(7) identify gaps between unmet health needs of urban Indians or rural Indians and the resources available to meet such needs;

"(8) make recommendations to the Secretary and Federal, State, local, and other resource agencies on methods of improving health service programs to meet the needs of urban or rural Indians; and

"(9) where necessary, provide or contract for health care services to urban or rural Indians.

"(b) The Secretary, acting through the Service, shall by regulation prescribe the criteria for selecting urban Indian organizations and rural Indian organizations to enter into contracts pursuant to this title. Such criteria shall, among other factors, take into consideration—

"(1) the extent of the unmet health care needs of urban Indians in the urban center or of rural Indians in the rural community involved;

"(2) the size of the urban Indian population or the rural Indian community to receive assistance;

"(3) the relative accessibility of health care services to such population in such urban center or rural community;

"(4) the extent, if any, to which the activities set forth in subsection (a) would duplicate any previous or current public or private health services project in such urban center or rural community that was or is funded in a manner other than pursuant to this title;

"(5) the appropriateness and likely effectiveness of the activities set forth in subsection (a) in such urban center or rural community;

"(6) the existence of an urban Indian organization or a rural Indian organization capable of performing the activities set forth in subsection (a) and entering into a contract with the Secretary pursuant to this title; and

"(7) the extent of existing or likely future participation in the activities set forth in subsection (a) by appropriate health and health-related Federal, State, local, and other agencies.

"OTHER CONTRACT REQUIREMENTS

Federal laws and regulations, exceptions. 25 USC 1654.

"SEC. 504. (a) Contracts with urban Indian organizations or rural Indian organizations pursuant to this title shall be in accordance with all Federal contracting laws and regulations except that, in the discretion of the Secretary, such contracts may be negotiated without advertising and need not conform to the provisions of the Act of August 24, 1935 (49 Stat. 793), as amended.

Payments.

"(b) Payments under any contracts pursuant to this title may be made in advance or by way of reimbursement and in such installments and on such conditions as the Secretary deems necessary to carry out the purposes of this title.

Amendments and revisions.

"(c) Notwithstanding any provision of law to the contrary, the Secretary may, at the request or consent of an urban Indian organization or a rural Indian organization, revise or amend any contract made by the Secretary with such organization under this title as necessary to carry out the purposes of this title: *Provided, however,* That whenever an urban Indian organization or a rural Indian organization requests retrocession of the Secretary for any contract entered into pursuant to this title, such retrocession shall become effective upon a date specified by the Secretary not more than one hundred and twenty days from the date of the request by the organization or at such later date as may be mutually agreed to by the Secretary and the organization.

Federal facility utilization.

"(d) In connection with any contract made pursuant to this title, the Secretary may permit an urban Indian organization or a rural Indian organization to utilize, in carrying out such contract, existing facilities owned by the Federal Government within the Secretary's jurisdiction under such terms and conditions as may be agreed upon for the use and maintenance of such facilities.

"(e) Contracts with urban or rural Indian organizations and regulations adopted pursuant to this title shall include provisions to assure the fair and uniform provision to urban or rural Indians of services and assistance under such contracts by such organizations.

"REPORTS AND RECORDS

"SEC. 505. For each fiscal year during which an urban Indian organization or a rural Indian organization receives or expends funds pursuant to a contract under this title, such organization shall submit to the Secretary a report including information gathered pursuant to section 503(a) (7) and (8), information on activities conducted by the organization pursuant to the contract, an accounting of the amounts and purposes for which Federal funds were expended, and such other information as the Secretary may request. The reports and records of the urban Indian organization or the rural Indian organization with respect to such contract shall be subject to audit by the Secretary and the Comptroller General of the United States. 25 USC 1655.

"AUTHORIZATIONS

"SEC. 506. (a) There are authorized to be appropriated for contracts with urban Indian organizations under this title $18,750,000 for the fiscal year ending September 30, 1981, $21,500,000 for the fiscal year ending September 30, 1982, $24,725,000 for the fiscal year ending September 30, 1983, and $28,500,000 for the fiscal year ending September 30, 1984. 25 USC 1656.

"(b) There are authorized to be appropriated for contracts with rural Indian organizations under this title $3,000,000 for the fiscal year ending September 30, 1981, $3,000,000 for the fiscal year ending September 30, 1982, $3,000,000 for the fiscal year ending September 30, 1983, and $3,000,000 for the fiscal year ending September 30, 1984.

"REVIEW OF PROGRAM

"SEC. 507. Not later than the date six months after September 30, 1983, the Secretary, acting through the Service and with the assistance of the urban and rural Indian organizations that have entered into contracts under this title, shall review the program established under this title and submit to the Congress an assessment thereof and recommendations for any further legislative efforts the Secretary deems necessary to meet the purpose of this title.". Submittal to Congress. 25 USC 1657.

MISCELLANEOUS

SEC. 8. (a) Section 704 is amended by adding the following new sentence at the end thereof: "Property leased by the Secretary from an Indian tribe may be reconstructed or renovated by the Secretary pursuant to an agreement with such Indian tribe.". 25 USC 1674.

(b) Title VII is amended by adding the following new sections at the end thereof:

"RESOURCE ALLOCATION PLAN

"SEC. 706. Within one year from the date of the enactment of this section, the Secretary shall submit to the Congress a resource allocation plan. Such plan shall explain the future allocation of services and funds among the service population of the Service and shall provide a schedule for reducing deficiencies in resources of tribes and nontribal specific entities. Submittal to Congress. 25 USC 1676.

"NUCLEAR RESOURCE DEVELOPMENT HEALTH HAZARDS

"SEC. 707. (a) The Secretary and the Service shall conduct, in conjunction with other appropriate Federal agencies and in consultation with concerned Indian tribes and organizations, a study of the Study. 25 USC 1677.

health hazards to Indian miners and Indians on or near Indian reservations and in Indian communities as a result of nuclear resource development. Such study shall include—

"(1) an evaluation of the nature and extent of nuclear resource development related health problems currently exhibited among Indians and the causes of such health problems;

"(2) an analysis of the potential effect of ongoing and future nuclear resource development on or near Indian reservations and communities;

"(3) an evaluation of the types and nature of activities, practices, and conditions causing or affecting such health problems, including uranium mining and milling, uranium mine tailing deposits, nuclear powerplant operation and construction, and nuclear waste disposal;

"(4) a summary of any findings and recommendations provided in Federal and State studies, reports, investigations, and inspections during the five years prior to the date of the enactment of this section that directly or indirectly relate to the activities, practices, and conditions affecting the health or safety of such Indians; and

"(5) the efforts that have been made by Federal and State agencies and mining and milling companies to effectively carry out an education program for such Indians regarding the health and safety hazards of such nuclear resource development.

Health care plan, development.

"(b) Upon completion of such study the Secretary and the Service shall take into account the results of such study and develop a health care plan to address the health problems studied under subsection (a). The plan shall include—

"(1) methods for diagnosing and treating Indians currently exhibiting such health problems;

"(2) preventive care for Indians who may be exposed to such health hazards, including the monitoring of the health of individuals who have or may have been exposed to excessive amounts of radiation, or affected by other nuclear development activities that have had or could have a serious impact upon the health of such individuals; and

"(3) a program of education for Indians who, by reason of their work or geographic proximity to such nuclear development activities, may experience health problems.

Report to Congress.

"(c) The Secretary and the Service shall submit to Congress the study prepared under subsection (a) no later than the date eighteen months after the date of enactment of this section. The health care plan prepared under subsection (b) shall be submitted in a report no later than the date one year after the date that the study prepared under subsection (a) is submitted to Congress. Such report shall include recommended activities for the implementation of the plan, as well as an evaluation of any activities previously undertaken by the Service to address such health problems.

Intergovernmental Task Force, establishment.

"(d)(1) There is established an Intergovernmental Task Force to be composed of the following individuals (or their designees): the Secretary of Energy, the Administrator of the Environmental Protection Agency, the Director of the Bureau of Mines, the Assistant Secretary for Occupational Safety and Health, and the Secretary of the Interior.

"(2) The Task Force shall identify existing and potential operations related to nuclear resource development that affect or may affect the health of Indians on or near an Indian reservation or in an Indian community and enter into activities to correct existing health hazards and insure that current and future health problems resulting from nuclear resource development activities are minimized or reduced.

"(3) The Secretary shall be Chairman of the Task Force. The Task Force shall meet at least twice each year. Each member of the Task Force shall furnish necessary assistance to the Task Force.

Medical care.

"(e) In the case of any Indian who—

"(1) as a result of employment in or near a uranium mine or mill, suffers from a work related illness or condition;

"(2) is eligible to receive diagnosis and treatment services from a Service facility; and

"(3) by reason of such Indian's employment, is entitled to medical care at the expense of such mine or mill operator;

the Service shall, at the request of such Indian, render appropriate medical care to such Indian for such illness or condition and may recover the costs of any medical care so rendered to which such Indian is entitled at the expense of such operator from such operator. Nothing in this subsection shall affect the rights of such Indian to recover damages other than such costs paid to the Service from the employer for such illness or condition.

Appropriation authorization.

"(f) There is authorized to be appropriated $300,000 to carry out the study as provided in subsection (a), such amount to be expended by the date eighteen months after the date of the enactment of this section.

"ARIZONA AS A CONTRACT HEALTH SERVICE DELIVERY AREA

Designation.
25 USC 1678.

"SEC. 708. (a) For the fiscal years beginning with the fiscal year ending September 30, 1982, and ending with the fiscal year ending September 30, 1984, the State of Arizona shall be designated as a contract health service delivery area by the Service for the purpose of providing contract health care services to Indians in such State.

"(b) The Service shall not curtail any health care services provided to Indians residing on Federal reservations in the State of Arizona if such curtailment is due to the provision of contract services in such State pursuant to the designation of such State as a contract health service delivery area pursuant to subsection (a).

Appropriation authorization.

"(c) There are authorized to be appropriated to carry out this section $2,000,000 for the fiscal year ending September 30, 1982, $2,000,000 for the fiscal year ending September 30, 1983, and $2,000,000 for the fiscal year ending September 30, 1984.

"CALIFORNIA FORMER FEDERALLY RECOGNIZED TRIBES

Health services, eligibility.
25 USC 1679.

"SEC. 709. Indians in the State of California who are members or descendants of members of former federally recognized tribes of the State of California shall be eligible for services from the Service in the fiscal years beginning with the fiscal year ending September 30, 1982, and ending with the fiscal year ending September 30, 1984.

"PERSONNEL CEILINGS DEMONSTRATION PROJECT

25 USC 1680.

"SEC. 710. (a) In order to determine whether the Service can be better managed through fiscal controls without personnel ceilings, the Service shall, in conjunction with the Office of Personnel Management and the Secretary, conduct a demonstration project in which certain personnel ceilings in the Service are lifted. Such demonstration project shall be conducted in two of the Indian Health Service areas and shall be closely monitored by the Service.

Report to Congress.

"(b) Not later than the date 2 years after the date of the enactment of this section, the Service shall submit a report to Congress regarding the demonstration project carried out under subsection (a). Such report shall include a discussion of whether the lifting of personnel ceilings would improve the Service's ability to deliver services, what potential negative impact the lifting of personnel ceilings might have on the control of Federal employment, and a determination as to whether the lifting of personnel ceilings should be expanded to the entire Service.".

Approved December 17, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-975, Pt. 1 accompanying H.R. 6629 (Comm. on Interior and Insular Affairs) and No. 96-1483 (Comm. of Conference).
SENATE REPORT No. 96-758 (Select Comm. on Indian Affairs).
CONGRESSIONAL RECORD, Vol. 126 (1980):
June 2, considered and passed Senate.
Sept. 8, 9, H.R. 6629 considered and passed House; passage vacated and S.2728, amended, passed in lieu.
Dec. 2, House agreed to conference report.
Dec. 3, Senate agreed to conference report.

Public Law 96-538
96th Congress

An Act

To amend the Public Health Service Act to revise and extend the authorities under that Act relating to national research institutes, and for other purposes.

Dec. 17, 1980
[S. 988]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Health Programs Extension Act of 1980".

Health Programs Extension Act of 1980.
42 USC 201 note.

(b) Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

TITLE I—NATIONAL CANCER INSTITUTE AND NATIONAL HEART, LUNG, AND BLOOD INSTITUTE AUTHORIZATIONS

Sec. 101. (a) Section 410(a) (42 U.S.C. 286e(a)) is amended—

(1) by striking out "and" after "1979;"; and

(2) by inserting the following before the period at the end thereof: "; $1,015,700,000 for the fiscal year ending September 30, 1981; and $1,109,000,000 for the fiscal year ending September 30, 1982".

(b) Section 410(b) is amended—

(1) by striking out "and" after "1979;"; and

(2) by inserting the following before the period at the end thereof: "; $112,900,000 for the fiscal year ending September 30, 1981; and $123,200,000 for the fiscal year ending September 30, 1982".

(c) Section 414(b) (42 U.S.C. 287c(b)) is amended—

(1) by striking out "and" after "1979,"; and

(2) by inserting the following before the period at the end thereof: ", $49,300,000 for the fiscal year ending September 30, 1981, and $53,800,000 for the fiscal year ending September 30, 1982".

(d) The first sentence of section 419B (42 U.S.C. 287i) is amended—

(1) by striking out "and" after "1979,"; and

(2) by inserting the following before the period at the end thereof: ", $564,300,000 for the fiscal year ending September 30, 1981, and $616,100,000 for the fiscal year ending September 30, 1982".

TITLE II—AMENDMENTS RELATING TO ARTHRITIS, DIABETES, DIGESTIVE DISEASES, AND KIDNEY DISEASES

Sec. 201. (a) The heading of part D of title IV is amended to read as follows:

"PART D—NATIONAL INSTITUTE OF ARTHRITIS, DIABETES, AND DIGESTIVE AND KIDNEY DISEASES, NATIONAL INSTITUTE OF NEUROLOGICAL DISEASES AND STROKE, AND OTHER INSTITUTES".

Repeal.

SEC. 202. Section 431(c) (42 U.S.C. 289a(c)) is repealed.

SEC. 203. (a) The heading of section 434 is amended to read as follows:

"NATIONAL INSTITUTE OF ARTHRITIS, DIABETES, AND DIGESTIVE AND KIDNEY DISEASES".

(b) Subsection (a) of section 434 (42 U.S.C. 289c-1(a)) is amended—

(1) by striking out "National Institute of Arthritis, Metabolism, and Digestive Diseases" and inserting in lieu thereof "National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases";

(2) by striking out "National Arthritis, Metabolism, and Digestive Diseases Advisory Council" and inserting in lieu thereof "National Arthritis, Diabetes, and Digestive and Kidney Diseases Advisory Council"; and

(3) by striking out the last sentence.

(c) Section 434 is amended by striking out subsections (b) through (e) and inserting in lieu thereof the following:

"(b) In the National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases (hereinafter referred to in this section as the 'Institute') there shall be an Associate Director for Arthritis and Musculoskeletal and Skin Diseases, an Associate Director for Diabetes, Endocrinology, and Metabolic Diseases, an Associate Director for Digestive Diseases, and an Associate Director for Kidney, Urologic, and Hematologic Diseases who, under the supervision of the Director of the Institute, shall be responsible for—

"(1) developing a coordinated plan (including recommendations for expenditures) for each of the national research institutes within the National Institutes of Health with respect to research and training concerning the diseases for which the positions of the Associate Directors were created;

"(2) assessing the adequacy of management approaches for the activities within such institutes concerning such diseases and developing improved approaches if needed;

"(3) monitoring and reviewing expenditures by such institutes concerning such diseases; and

"(4) identifying research opportunities concerning such diseases and recommending ways to utilize such opportunities.

Comments and recommendations, transmittal to NIH.

The Director of the Institute shall transmit to the Director of the National Institutes of Health the plans, recommendations, and reviews of the Associate Directors under paragraphs (1) through (4) together with such comments and recommendations as the Director of the Institute determines appropriate.

Subcommittees, establishment.

"(c) There are established within the Advisory Council of the Institute a subcommittee on diabetes and endocrine and metabolic diseases, a subcommittee on arthritis and musculoskeletal and skin diseases, a subcommittee on digestive diseases, and a subcommittee on kidney, urologic, and hematologic diseases. The subcommittees shall be composed of members of the Advisory Council who are outstanding in the diagnosis, prevention, and treatment of the diseases for which the subcommittees are established and members of the Advisory Council who are leaders in the fields of education and public affairs. The subcommittees are authorized to review applications made to the Director for grants for research and training projects relating to the diagnosis, prevention, and treatment of the diseases for which the subcommittees are established and shall recommend to the Advisory Council those applications and contracts that the subcommittees determine will best carry out the purposes of this part. The subcommittees shall also review and evaluate the diabetes and endocrine and metabolic diseases, arthritis, musculoskeletal and skin diseases, digestive diseases, and kidney, urologic, and hematologic diseases programs under this part and recommend to the Advisory Council such changes in the administration of such programs as the subcommittees determine are necessary.

"(d) The Director of the Institute, acting through the Associate Director for Arthritis and Musculoskeletal and Skin Diseases, the Associate Director for Kidney, Urologic, and Hematologic Diseases, the Associate Director for Digestive Diseases, and the Associate Director for Diabetes, Endocrinology, and Metabolic Diseases, shall—

"(1) carry out programs of support for research and training (other than training for which National Research Service Awards may be made under section 472) in the diagnosis, prevention, and treatment of arthritis, digestive diseases, diabetes mellitus, and endocrine and metabolic, kidney, urologic, and hematologic diseases, including support for training in medical schools, graduate clinical training, graduate training in epidemiology, epidemiology studies, clinical trials, and interdisciplinary research programs; and 42 USC 289*l*-1.

"(2) establish programs of evaluation, planning, and dissemination of knowledge related to such research and training.".

(d) Subsection (f) of section 434 is redesignated as subsection (e) and is amended (1) by striking out "a report" in the first sentence and inserting in lieu thereof "an annual report", and (2) by amending the second sentence to read as follows: "The annual report shall include a description of the Institute's activities— 42 USC 289c-1.

"(1) under the current Arthritis Plan prepared under the National Arthritis Act of 1974, 42 USC 201 note.

"(2) under the current diabetes plan prepared under the National Diabetes Mellitus Research and Education Act, and 42 USC 201 note.

"(3) under the current digestive diseases plan prepared under the Arthritis, Diabetes, and Digestive Diseases Amendments of 1976.". 42 USC 201 note.

SEC. 204. (a) The heading of section 435 is amended to read as follows:

"DIABETES RESEARCH AND TRAINING CENTERS; DIABETES DATA GROUP AND CLEARINGHOUSE".

(b) The first sentence of subsection (a) of section 435 (42 U.S.C. 289c-2(a)) is amended by striking out "National Commission on Diabetes" and inserting in lieu thereof "the current diabetes plan under the National Diabetes Mellitus Research and Education Act".

(c) Subsection (a) of section 435 is amended by adding at the end the following: "A center may use funds provided under this subsection to provide stipends for health professionals enrolled in training programs described in clause (2)(B).".

(d) Subsection (b) of section 435 is amended by striking out "September 30" and inserting in lieu thereof "November 30".

(e) Subsection (c) of section 435 is redesignated as subsection (d) and the following new subsection is inserted after subsection (b):

"(c)(1) The Secretary, with the Associate Director for Diabetes, Endocrinology, and Metabolic Diseases, shall (A) establish the

Diabetes Data Group and the Diabetes Information Clearinghouse, and (B) through such entities, establish the diabetes data system for the collection, storage, analysis, retrieval, and dissemination of data concerning diabetes, including, where possible, data involving general populations for the purpose of detecting individuals with a risk of developing diabetes.

Appropriation authorization.

"(2) There is authorized to be appropriated to carry out this subsection $2,000,000 for the fiscal year ending September 30, 1981; $2,000,000 for the fiscal year ending September 30, 1982; and $2,000,000 for the fiscal year ending September 30, 1983.".

Ante, p. 3185.

(f) Subsection (d) of section 435 (as so redesignated) is amended (1) by striking out "this section" and inserting in lieu thereof "this section (other than subsection (c))", (2) by striking out "and" after "1979,", and (3) by inserting before the period a comma and the following: "$14,000,000 for the fiscal year ending September 30, 1981, $17,000,000 for the fiscal year ending September 30, 1982, and $20,000,000 for the fiscal year ending September 30, 1983".

Repeals.

SEC. 205. Sections 436, 437, and 440A (42 U.S.C. 289c-3, 289c-4, and 289c-8) are repealed, and the following section is inserted after section 435:

"INTERAGENCY COORDINATING COMMITTEES

42 USC 289c-3.

"SEC. 436. (a) For the purpose of—

"(1) better coordinating the research activities of all the national research institutes relating to arthritis, diabetes mellitus, and digestive diseases; and

"(2) coordinating those aspects of all Federal health programs and activities relating to such diseases to assure the adequacy and technical soundness of such programs and activities and to provide for the full communication and exchange of information necessary to maintain adequate coordination of such programs and activities,

Establishment.

the Secretary shall establish an Arthritis Interagency Coordinating Committee, a Diabetes Mellitus Interagency Coordinating Committee, and a Digestive Diseases Interagency Coordinating Committee (hereinafter in this section individually referred to as a 'Committee').

Membership.

"(b) Each Committee shall be composed of the Directors (or their designees) of each of the national research institutes and divisions involved in research regarding the diseases with respect to which the Committee is established, the Associate Director of the National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases for the diseases for which the Committee is established, the chief medical director (or the director's designee) of the Veterans' Administration, and a medical officer designated by the Department of Defense, and shall include representation from all other Federal departments and agencies whose programs involve health functions or responsibilities relevant to such diseases, as determined by the Secretary. Each Committee shall be chaired by the Director of the National Institutes of Health (or the Director's designee). Each Committee shall meet at the call of the chairman, but not less often than four times a year.

Report.

"(c) Each Committee shall prepare an annual report for—

"(1) the Secretary,

"(2) the Director of the National Institutes of Health, and

Supra.

"(3) the Advisory Board established under section 437 for the disease for which the Committee was established,

detailing the work of the Committee in the fiscal year for which the report was prepared in carrying out the coordinating activities described in paragraphs (1) and (2) of subsection (a). Such report shall be submitted not later than the sixtieth day after the end of each fiscal year.".

SEC. 206. Sections 436A and 440 (42 U.S.C. 289c-3a and 289c-7) are repealed, and the following new section is inserted after the section added by section 205 of this title:

Repeals.

"DIABETES, ARTHRITIS, AND DIGESTIVE DISEASES ADVISORY BOARDS

Establishment.
42 USC 289c-4.

"SEC. 437. (a) The Secretary shall establish the National Arthritis Advisory Board, the National Diabetes Advisory Board, and the National Digestive Diseases Advisory Board (hereinafter in this section individually referred to as an 'Advisory Board').

"(b) Each Advisory Board shall be composed of eighteen appointed members and nonvoting, ex officio members as follows:

"(1) The Secretary shall appoint—

"(A) twelve members from individuals who are scientists, physicians, and other health professionals, who are not officers or employees of the United States, and who represent the specialities and disciplines relevant to the diseases with respect to which the Advisory Board is established; and

"(B) six members from the general public who are knowledgeable with respect to such diseases, including at least one member who is a person who suffers from the disease and one member who is a parent of a person who suffers from the disease.

Of the appointed members, at least five shall by virtue of training or experience be knowledgeable in health education, nursing, data systems, public information, or community program development.

"(2) The following shall be ex officio members of each Advisory Board: The Assistant Secretary for Health, the Director of the National Institutes of Health, the Director of the National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases, the Director of the Center for Disease Control, the chief medical director of the Veterans' Administration, a medical officer designated by the Department of Defense (or the designees of such ex officio members), the Associate Director of the National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases for the diseases for which the Board is established, and such other officers and employees of the United States as the Secretary deems necessary for the Advisory Board to carry out its functions. In the case of the National Diabetes Advisory Board, the following shall also be ex officio members: The Director of the National Heart, Lung, and Blood Institute, the Director of the National Eye Institute, the Director of the National Institute of Child Health and Human Development, the Administrator of the Health Resources Administration, and the Administrator of the Health Services Administration (or their designees of such ex officio members).

"(c) Members of an Advisory Board who are officers or employees of the Federal Government shall serve as members of the Advisory Board without compensation in addition to that received in their regular public employment. Other members of the Board shall receive compensation at rates not to exceed the daily equivalent of the annual rate in effect for grade GS-18 of the General Schedule for each day (including traveltime) they are engaged in the performance of their duties as members of the Board.

Compensation.

5 USC 5332 note.

"(d) The term of office of an appointed member of an Advisory Board is three years, except that no term of office may extend beyond the expiration of the Advisory Board. Any member appointed to fill a vacancy for an unexpired term shall be appointed for the remainder of such term. A member may serve after the expiration of the member's term until a successor has taken office. If a vacancy occurs in an Advisory Board, the Secretary shall make an appointment to fill the vacancy not later than ninety days from the date the vacancy occurs. In the case of the National Diabetes Advisory Board and the National Arthritis Advisory Board, six of the members of each such Advisory Board whose terms expired on September 30, 1980, shall be reappointed for a term of three years.

"(e) The members of each Advisory Board shall select a chairman from among the appointed members.

"(f) The Secretary shall, after consultation with and consideration of the recommendations of an Advisory Board, provide the Advisory Board with an executive director and one other professional staff member. In addition, the Secretary shall, after consultation with and consideration of the recommendations of the Advisory Board, provide the Advisory Board with such additional professional staff members, such clerical staff members, and (through contracts or other arrangements) with such administrative support services and facilities, such information, and such services of consultants, as the Secretary determines are necessary for the Advisory Board to carry out its functions.

Meetings.

"(g) Each Advisory Board shall meet at the call of the chairman or upon request of the Director of the National Institute for Arthritis, Diabetes, and Digestive and Kidney Diseases, but not less often than four times a year.

"(h) Each Advisory Board shall—

"(1) review and evaluate the implementation of the plan referred to in section 434(e) regarding the diseases with respect to which the Advisory Board was established;

Ante, p. 3185.

"(2) periodically update the plan referred to in paragraph (1) to ensure its continuing relevance;

"(3) for the purpose of assuring the most effective use and organization of resources respecting such diseases, advise and make recommendations to Congress, the Secretary, the Director of the National Institutes of Health, the Director of the National Institute for Arthritis, Diabetes, and Digestive and Kidney Diseases, and the heads of other appropriate Federal agencies for the implementation of such plan; and

"(4) maintain liaison with other advisory bodies related to Federal agencies involved in the implementation of such plan, the Coordinating Committee for such diseases, and with key non-Federal entities involved in activities affecting the control of such diseases.

"(i) In carrying out its functions, the Advisory Board may establish subcommittees, convene workshops and conferences, and collect data. Such subcommittees may be composed of Advisory Board members and nonmember consultants with expertise in the particular area addressed by such subcommittees. The subcommittees may hold such meetings as are necessary to enable them to carry out their activities.

Report.

"(j) Each Advisory Board shall submit to the Secretary and Congress an annual report which—

"(1) describes the Advisory Board's activities in the fiscal year for which the report is made;

"(2) describes and evaluates the progress made during such year in research, treatment, education, and training with respect to the diseases with respect to which the Advisory Board was established;

"(3) summarizes and analyzes expenditures made by the Federal Government for activities respecting such diseases in the fiscal year for which the report is made; and

"(4) contains the Advisory Board's recommendations, if any, for changes in the plan referred to in subsection (h)(1).

Appropriation authorization.

"(k) For each Advisory Board there is authorized to be appropriated $300,000 for the fiscal year ending September 30, 1981; $300,000 for the fiscal year ending September 30, 1982; and $300,000 for the fiscal year ending September 30, 1983.

"(l) Each Advisory Board shall expire on September 30, 1983.".

42 USC 289c-5.

SEC. 207. (a) Subsection (a) of section 438 (42 U.S.C. 289c-5a(a)) is amended by striking out ", acting through the Assistant Secretary for Health,".

(b) Subsection (b) of such section is amended (1) by striking out "and" at the end of paragraph (4), (2) by striking out the period at the end of paragraph (5) and inserting in lieu thereof "; and", and (3) by adding after paragraph (5) the following:

"(6) projects for the investigation into the epidemiology of all forms and aspects of arthritis, including investigations into the social, environmental, behavioral, nutritional, and genetic determinants and influences involved in the epidemiology of arthritis.".

(c) Paragraphs (2) and (3) of subsection (d) of such section are each amended by inserting before the period a comma and the following: "and for each of the next 3 fiscal years".

42 USC 289c-6.

SEC. 208. (a) Subsection (a) of section 439 (289c-6(a)) is amended by striking out ", acting through the Assistant Secretary for Health".

(b) Subsection (b) of such section is amended by adding after and below paragraph (2) the following: "A center may use funds provided under this subsection to provide stipends for health professionals enrolled in training programs described in paragraph (2)(B).".

(c) Subsection (e) of such section is amended by striking out "not later than four months after the end of each fiscal year" and inserting in lieu thereof "on or before November 30 of each year".

(d) Subsection (f) of such section is repealed and subsection (g) is redesignated as subsection (f) and amended (1) by striking out "and" after "1979,"; and (2) by inserting before the period a comma and the following: "$14,000,000 for the fiscal year ending September 30, 1981, $17,000,000 for the fiscal year ending September 30, 1982, and $20,000,000 for the fiscal year ending September 30, 1933".

SEC. 209. The following section is inserted after section 439:

"INFORMATION AND EDUCATION CENTER FOR DIGESTIVE DISEASES

Establishment.
42 USC 289c-7.

"SEC. 440. The Secretary, acting through the Director of the National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases, shall establish an information and education center for digestive diseases (1) to identify, collect, analyze, and disseminate information respecting the diseases, and (2) to serve as a national educational resource for patients with such diseases and their families, physicians, and other health professionals.".

TITLE III—HEALTH PLANNING AMENDMENTS

Sec. 301. The second sentence of section 1501(b)(1) (42 U.S.C. 300k-1(b)(1)) is amended by striking out "in" and inserting in lieu thereof "including those in".

Sec. 302. Effective with respect to fiscal years beginning after September 30, 1981, section 1516(d)(3) (42 U.S.C. 300l-5(d)(3)) is amended to read as follows:

42 USC 300*l*-4.

Grant, pro-rata reduction.

"(3) Notwithstanding subsection (c)(1), if the total of the amounts appropriated under paragraph (1) for any fiscal year (reduced by the amount to be retained by the Secretary for use under paragraph (2)) is less than the amount required to make grants to each health systems agency designated under section 1515(c) in the amount prescribed for such agency by subsection (c)(1), the Secretary shall make a pro rata reduction in the amount of the grant to each such agency as follows:

"(A) The Secretary shall compute the amount of the grant each such agency would be entitled to receive under such subsection if the dollar limit prescribed by subparagraph (A)(ii) of such subsection did not apply.

"(B) The Secretary shall reduce on a pro rata basis the amount of the grant to each such agency computed under subparagraph (A) of this paragraph so that the total amount of such grants equals the total of the amounts appropriated for such fiscal year (as so reduced), except that—

"(i) the amount of the grant to any such agency may not exceed $3,750,000,

"(ii) to the extent of available appropriations, no such agency shall receive a grant in an amount less than the amount prescribed by subparagraph (C) of subsection (c)(1) for such fiscal year, and

"(iii) if the total of the appropriations for the fiscal year ending September 30, 1982, for such grants—

"(I) is equal to or greater than the total of the appropriations for such grants for the preceding fiscal year, no such agency shall receive a grant in an amount less than the amount of the grant it received in such preceding fiscal year unless the population of the area for which it is designated has decreased, unless the level of non-Federal funds on which its grant is computed had decreased, or unless the amount available for its grant is decreased because of an increase in the minimum grant prescribed by subsection (c)(1)(C), or

"(II) is less than the total of the appropriations for such grants for the preceding fiscal year, no such agency shall receive a grant in an amount greater than the amount of the grant it received in such preceding fiscal year unless the population of the area for which it is designated has increased, unless the level of non-Federal funds on which its grant is computed has increased, or unless the amount of its grant is increased under subsection (c)(1)(C).".

42 USC 300n-6 note.

Ante, p. 3183.

Sec. 303. (a) Section 129(b)(2)(A) of Public Law 96-79 (93 Stat. 630) is amended by striking out "Health Planning and Resources Development Amendments of 1979" and inserting in lieu thereof "Health Programs Extension Act of 1980".

Ante, p. 3183.

(b) Section 1521(d)(1)(B)(i) (42 U.S.C. 300m(d)(1)(B)(i)) is amended by striking out "Health Planning and Resources Development Amendments of 1979" and inserting in lieu thereof "Health Programs Extension Act of 1980".

42 USC 300m-6 note.

(c) Section 117(c) of the Health Planning and Resources Development Amendments of 1979 (93 Stat. 620) is amended by striking out

"February 1, 1982" and inserting in lieu thereof "February 1, 1983".

SEC. 304. Section 124(c) of Public Law 96-79 (93 Stat. 627) is amended to read as follows:

42 USC 300m-3.

"(c)(1) Section 1524(b)(1)(C) is amended by striking out 'one-third' and inserting in lieu thereof 'one-half'.

42 USC 300m-3.

"(2) Section 1524(b)(1)(D) is amended (A) by striking out 'two' and inserting in lieu thereof 'one', and (B) by striking out 'an ex officio' and inserting in lieu thereof 'a nonvoting, ex officio'.".

SEC. 305. The first sentence of section 1524(c)(6) (42 U.S.C. 300m-3(c)(6)) is amended by striking out "section 409" and inserting in lieu thereof "section 409 or 410".

Certificate of need program.

SEC. 306. Section 1527(b)(3)(B) (42 U.S.C. 300m-6(b)(3)(B)) is amended (1) by striking out "that (i)" and inserting in lieu thereof "that", (2) by striking out ", which intends to acquire the controlling interest or which intends to use the facility is" and inserting in lieu thereof "which intends to acquire the controlling interest in or use the facility is (i)", (3) by striking out "and (ii)" and inserting in lieu thereof "and", and (4) by striking out "or the requirements of clauses (i) and (ii) of subparagraph (B) of paragraph (1)" and inserting in lieu thereof ", or (ii) a health care facility which meets the requirements of clauses (i), (ii), and (iii) of subparagraph (B) of paragraph (1) and with respect to its patients meets the requirements of clause (iv) of such subparagraph".

SEC. 307. Section 1527 (42 U.S.C. 300m-6) is amended by adding at the end the following new subsection:

Major medical equipment; acquisition, conditions.

"(h)(1) Subsection (a) does not require a certificate of need program to require a health care facility to obtain a certificate of need for the acquisition of major medical equipment to be used solely for research, institutional health services to be offered solely for research, or the obligation of a capital expenditure to be made solely for research if the acquisition, offering, or obligation does not—

"(A) affect the charges of the facility for the provision of medical or other patient care services other than the services which are included in the research;

"(B) substantially change the bed capacity of the facility; or

"(C) substantially change the medical or other patient care services of the facility which were offered before the acquisition, offering, or obligation.

State Agency of the State, notification.

"(2)(A) Before a health care facility acquires major medical equipment to be used solely for research, offers an institutional health service solely for research, or obligates a capital expenditure solely for research, such health care facility shall notify in writing the State Agency of the State in which such facility is located of such facility's intent and the use to be made of such medical equipment, institutional health service, or capital expenditure.

"(B) Paragraph (1) does not apply with respect to the acquisition of major medical equipment, the offering of institutional health services, or the obligation of a capital expenditure if—

"(i) the notice required by subparagraph (A) is not filed with the State Agency with respect to such acquisition, offering, or obligation, or

"(ii) the State Agency finds, within 60 days after the date it receives a notice in accordance with subparagraph (A) respecting the acquisition, offering, or obligation, that the acquisition, offering, or obligation will have the effect or make a change described in subparagraph (A), (B), or (C) of paragraph (1).

"(3) If major medical equipment is acquired, an institutional health service is offered, or a capital expenditure is obligated and a certificate of need is not required for such acquisition, offering, or obligation as provided in paragraph (1), such equipment or service or equipment or facilities acquired through the obligation of such capital expenditure may not be used in such a manner as to have the effect or to make a change described in subparagraph (A), (B), or (C) of paragraph (1) unless the State Agency issues a certificate of need approving such use.

"Solely for research."

"(4) For purposes of this subsection, the term 'solely for research' includes patient care provided on an occasional and irregular basis and not as part of a research program.".

Sec. 308. The last sentence of section 1531(3) (42 U.S.C. 300n(3)) is amended (1) by striking out "An individual" and inserting in lieu thereof "Notwithstanding subparagraph (B), an individual", and (2) by striking out "an entity" and inserting in lieu thereof "one or more entities".

Sec. 309. Section 1531(5) (42 U.S.C. 300n(5)) is amended by striking out "maintained or developed by the Department of Commerce and".

Sec. 310. Section 1532(b)(12)(D) (42 U.S.C. 300n-l(b)(12)(D)) is amended by striking out "administratively".

TITLE IV—HEALTH PROFESSIONS PROGRAMS

Sec. 401. The first sentence of section 728(a) (42 U.S.C. 294a(a)) is amended by inserting a comma before the period and the following: "and for the next fiscal year".

Sec. 402. (a) Section 731(a)(1)(A) (42 U.S.C. 294d(a)(1)(A)) is amended (1) by inserting "and" at the end of clause (iv), and (2) by striking out clause (v) and redesignating clause (vi) as clause (v).

(b) Section 731(b) is amended by striking out "12 percent per annum on the unpaid principal balance of the loan" and inserting in lieu thereof "the average of the bond equivalent rates of the 91-day Treasury bills auctioned for the previous quarter plus 3½ percentage points, rounded to the next higher one-eighth of 1 percent".

Sec. 403. (a) Section 753(a)(2) (42 U.S.C. 294v(a)(2)) is amended—

(1) by striking out "(A)" after "designated under section 332) which";

(2) by striking out ", and" after "section 333(c)"; and

(3) by striking out subclause (B) thereof and inserting in lieu thereof a period.

(b) Section 753(a) is amended by striking out the last sentence.

Sec. 404. Section 212(j)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(j)(2)(A)) is amended by striking out "1980" and inserting in lieu thereof "1981".

TITLE V—NEUROLOGICAL RESEARCH

42 USC 289 note.

Sec. 501. (a) The Secretary of Health and Human Services shall enter into a contract, in accordance with subsection (b), with a private, nonprofit entity pursuant to which such entity shall—

Review.

(1) conduct a general review of past and ongoing neurological research;

(2) include, in the review described in paragraph (1), a review of past and ongoing research regarding spinal cord regeneration following acute and chronic damage to the spinal cord;

(3) identify those areas of neurological research which appear to be the most promising;

5-year plan outline.

(4) prepare an outline of a 5-year plan for neurological research, including (A) recommendations regarding the resources needed to effectively implement such a plan, and (B) specific recommendations with respect to spinal cord regeneration research; and

Report.

(5) transmit to the Secretary a report summarizing its findings and recommendations.

(b) The Secretary shall enter into the contract described in subsection (a) with the Institute of Medicine of the National Academy of Science, except that, if the Institute of Medicine of the National Academy of Science declines to enter into such contract after a reasonable period of time determined by the Secretary, the Secretary shall enter into such contract with any other private, nonprofit entity which the Secretary has determined is qualified to carry out the terms of such contract.

(c) The report described in subsection (a)(5) shall be transmitted to the Secretary no later than 12 months after the date of the enactment of this Act.

(d) The authority of the Secretary to enter into a contract under this section shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance by appropriation Acts.

Approved December 17, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-997 accompanying H.R. 7036 (Comm. on Interstate and Foreign Commerce) and No. 96-1478 (Comm. of Conference).
SENATE REPORT No. 96-714 (Comm. on Labor and Human Resources).
CONGRESSIONAL RECORD, Vol. 126 (1980):
June 19, considered and passed Senate.
Aug. 28, H.R. 7036 considered and passed House; passage vacated and S. 988, amended, passed in lieu.
Dec. 1, Senate agreed to conference report.
Dec. 4, House agreed to conference report.

Public Law 96-539
96th Congress

An Act

Dec. 17, 1980
[H.R. 7018]

To extend the Federal Insecticide, Fungicide, and Rodenticide Act until September 30, 1981, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Federal Insecticide, Fungicide, and Rodenticide Act, amendment.

SCIENTIFIC ADVISORY PANEL

7 USC 136w.

SECTION 1. Section 25(d) of the Federal Insecticide, Fungicide, and Rodenticide Act is amended by—

(1) inserting immediately after the fifth sentence the following new sentences: "The subpanels may be composed of scientists other than members of the advisory panel, as deemed necessary for the purpose of evaluating scientific studies relied upon by the Administrator with respect to proposed action. Such additional scientists shall be selected by the advisory panel."; and

7 USC 136d.

(2) adding at the end thereof the following sentence: "Whenever the Administrator exercises authority under section 6(c) of this Act to immediately suspend the registration of any pesticide to prevent an imminent hazard, the Administrator shall promptly submit to the advisory panel for comment, as to the impact on health and the environment, the action taken to suspend the registration of such pesticide.".

PEER REVIEW

7 USC 136w.

SEC. 2. (a) Section 25 of the Federal Insecticide, Fungicide, and Rodenticide Act is amended by adding at the end thereof the following new subsection (e):

"(e) PEER REVIEW.—The Administrator shall, by written procedures, provide for peer review with respect to the design, protocols, and conduct of major scientific studies conducted under this Act by the Environmental Protection Agency or by any other Federal agency, any State or political subdivision thereof, or any institution or individual under grant, contract, or cooperative agreement from or with the Environmental Protection Agency. In such procedures, the Administrator shall also provide for peer review, using the advisory panel established under subsection (d) of this section or appropriate experts appointed by the Administrator from a current list of nominees maintained by such panel, with respect to the results of any such scientific studies relied upon by the Administrator with respect to actions the Administrator may take relating to the change in classification, suspension, or cancellation of a pesticide: *Provided,* That whenever the Administrator determines that circumstances do not permit the peer review of the results of any such scientific study prior to the Administrator's exercising authority under section 6(c) of this Act to immediately suspend the registration of any pesticide to prevent an imminent hazard, the Administrator shall promptly thereafter provide for the conduct of peer review as pro-

7 USC 136d.

vided in this sentence. The evaluations and relevant documentation constituting the peer review that relate to the proposed scientific studies and the results of the completed scientific studies shall be included in the submission for comment forwarded by the Administrator to the advisory panel as provided in subsection (d). As used in this subsection, the term 'peer review' shall mean an independent evaluation by scientific experts, either within or outside the Environmental Protection Agency, in the appropriate disciplines.".

Comments.

"Peer review."

Publication in Federal Register.

7 USC 136w note.

(b) The provisions of this section shall become effective upon publication in the Federal Register of final procedures for peer review as provided in this section, but in no event shall such provisions become effective later than one year after the date of enactment of this Act.

AUTHORIZATION FOR APPROPRIATIONS

7 USC 136y.

SEC. 3. Section 31 of the Federal Insecticide, Fungicide, and Rodenticide Act, is amended by adding at the end thereof the following new sentence: "There are hereby authorized to be appropriated to carry out the provisions of this Act for the period beginning October 1, 1979, and ending September 30, 1980, such sums as may be necessary, but not in excess of $72,160,000, and for the period beginning October 1, 1980, and ending September 30, 1981, such sums as may be necessary, but not in excess of $77,500,000.".

CONGRESSIONAL REVIEW

7 USC 136w.

SEC. 4. Section 25(a) of the Federal Insecticide, Fungicide, and Rodenticide Act is amended by adding at the end thereof the following new paragraph (4):

"(4) RULE AND REGULATION REVIEW.—

Transmittal.

"(A) CONGRESSIONAL REVIEW.—Notwithstanding any other provision of this Act, simultaneously with promulgation of any rule or regulation under this Act, the Administrator shall transmit a copy thereof to the Secretary of the Senate and the Clerk of the House of Representatives. Except as provided in subparagraph (B), the rule or regulation shall not become effective, if within 90 calendar days of continuous session of Congress after the date of promulgation, both Houses of Congress adopt a concurrent resolution, the matter after the resolving clause of which is as follows: 'That Congress disapproves the rule or regulation promulgated by the Administrator of the Environmental Protection Agency dealing with the matter of , which rule or regulation was transmitted to Congress on ', the blank spaces therein being appropriately filled.

"(B) EFFECTIVE DATE.—If at the end of 60 calendar days of continuous session of Congress after the date of promulgation of a rule or regulation, no committee of either House of Congress has reported or been discharged from further consideration of a concurrent resolution disapproving the rule or regulation, and neither House has adopted such a resolution, the rule or regulation may go into effect immediately. If, within such 60 calendar days, such a committee has reported or been discharged from further consideration of such a resolution, or either House has adopted such a resolution, the rule or regulation may go into effect not sooner than 90 calendar days of continuous session of Congress after its promulgation unless disapproved as provided in subparagraph (A).

"(C) For the purposes of subparagraphs (A) and (B) of this paragraph—

"(i) continuity of session is broken only by an adjournment of Congress sine die; and

"(ii) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of 60 and 90 calendar days of continuous session of Congress.

"(D) **Effect of congressional inaction.**—Congressional inaction on or rejection of a resolution of disapproval shall not be deemed an expression of approval of such rule.

"(E) **Judicial review.**—

"(i) Any interested party, including any person who participated in the rulemaking involved, may institute such actions in the appropriate district court of the United States, including actions for declaratory judgment, as may be appropriate to construe the constitutionality of any provision of this paragraph. The district court immediately shall certify all questions of the constitutionality of this paragraph to the United States court of appeals for the circuit involved, which shall hear the matter sitting en banc.

"(ii) Notwithstanding any other provision of law, any decision on a matter certified under clause (i) of this subparagraph shall be reviewable by appeal directly to the Supreme Court of the United States. Such appeal shall be brought not later than 20 days after the decision of the court of appeals.

"(iii) It shall be the duty of the court of appeals and of the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter certified under clause (i) of this subparagraph.".

Approved December 17, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-1020 (Comm. on Agriculture) and No. 96-1480 (Comm. of Conference).
SENATE REPORT No. 96-764 accompanying S. 2587 (Comm. on Agriculture, Nutrition, and Forestry).
CONGRESSIONAL RECORD, Vol. 126 (1980):
  June 17, considered and failed of passage in House.
  June 24, considered and passed House.
  July 24, S. 2587 passed Senate; passage vacated and H.R. 7018, amended, passed in lieu.
  Dec. 1, Senate agreed to conference report.
  Dec. 4, House agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 16, No. 51:
  Dec. 17, Presidential statement.

Public Law 96-540
96th Congress

An Act

To authorize appropriations for the Department of Energy for national defense programs for fiscal year 1981, and for other purposes.

Dec. 17, 1980
[S. 3074]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1981".

Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1981.

TITLE I—NATIONAL SECURITY PROGRAMS

OPERATING EXPENSES

SEC. 101. Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1981 for operating expenses incurred in carrying out national security programs (including scientific research and development in support of the armed services, strategic and critical materials necessary for the common defense, and military applications of nuclear energy and related management and support activities) as follows:

(1) For the defense inertial confinement fusion program, $141,775,000, to be allocated as follows:

(A) For glass laser experiments, $69,800,000.

(B) For gas laser experiments, $38,000,000.

(C) For particle beam experiments, $15,700,000.

(D) For supporting research and experiments, $17,000,000, none of which may be used for the research, development, or demonstration of the use of heavy ion devices as drivers for inertial confinement fusion experiments and inertial confinement fusion systems.

(E) For program direction, $1,275,000.

(2) For the naval reactors development program, $250,350,000, including $10,350,000 for program direction.

(3) For weapons activities, $1,836,823,000, to be allocated as follows:

(A) For research and development, $501,064,000.

(B) For weapons testing, $318,000,000.

(C) For production and surveillance, $980,100,000.

(D) For program direction, $37,659,000.

(4) For verification and control technology, $38,591,000, including $1,765,000 for program direction.

(5) For the defense nuclear materials production and byproducts management program, to be administered by the Assistant Secretary for Defense Programs, $709,255,000, to be allocated as follows:

(A) For production reactor expenses, $226,907,000.

(B) For the processing of defense nuclear materials, $104,419,000.

(C) For supporting services, $93,739,000, of which $15,000,000 shall be used for the fiscal year 1981 increment of startup costs for the Purex chemical processing plant and N-reactor mode conversion at Richland, Washington.

(D) For fluorinel processing of nonproduction fuels and related activities, $26,890,000.

(E) For special isotope separations research, $14,815,000.

(F) For decontamination and decommissioning, $4,000,000.

(G) For interim waste operations, $149,940,000.

(H) For long term waste management technology, $75,500,000, of which $5,000,000 shall be used only for the waste isolation pilot plant as authorized by section 213 of Public Law 96-164. 93 Stat. 1265.

(I) For transportation research and development, $5,000,000.

(J) For program direction $3,045,000, of which $1,330,000 shall be used for materials production and $1,715,000 shall be used for byproducts management.

(6) For nuclear materials security and safeguards technology development program (defense program), $43,304,000, including $3,795,000 for program direction.

PLANT AND CAPITAL EQUIPMENT

Sec. 102. Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1981 for plant and capital equipment (including planning, construction, acquisition and modification of facilities, land acquisition related thereto, and acquisition and fabrication of capital equipment not related to construction) necessary for national security programs, as follows:

(1) For defense inertial confinement fusion:

Project 81-D-101, particle beam fusion accelerator-II, Sandia National Laboratories, New Mexico, $36,750,000.

Project 80-AE-11, target fabrication facility, Los Alamos National Scientific Laboratory, New Mexico, $14,300,000, for a total project authorization of $15,300,000.

Project 80-AE-12, target fabrication facility, Ernest Orlando Lawrence Livermore National Laboratory, California, $6,600,000 for a total project authorization of $7,600,000.

Project 75-3-b, high energy laser facility, Los Alamos National Scientific Laboratory, New Mexico, an additional sum of $8,000,000, for a total project authorization of $62,500,000.

(2) For naval reactors development:

Project 81-T-111, general plant projects, various locations, $3,300,000.

Project 81-T-112, modifications and additions to prototype facilities, various locations, $103,000,000.

Project 81-T-113, fuel materials examination area upgrading, Bettis Atomic Power Laboratory, West Mifflin, Pennsylvania, $2,700,000.

(3) For weapons activities:

Project 81-D-102, general plant projects, various locations, $28,900,000.

Project 81-D-103, plant engineering and design, various locations, $4,600,000.

Project 81-D-104, heavy duty drill repair facility, Nevada Test Site, Nevada, $1,700,000.

Project 81-D-105, engineering office building, Nevada Test Site, Nevada, $1,800,000.

Project 81-D-106, weaponization facilities, Ernest Orlando Lawrence Livermore National Laboratory, California, $6,600,000.

Project 81-D-107, utilities and equipment restoration, replacement, and upgrade, various locations, $31,000,000.

Project 81-D-108, reactor support facilities, Sandia National Laboratories, New Mexico, $9,000,000.

Project 81-D-110, upgrade industrial liquid waste treatment plants, Los Alamos National Scientific Laboratory, New Mexico, $8,000,000.

Project 81-D-111, water system upgrade, Los Alamos National Scientific Laboratory, New Mexico, $9,000,000.

Project 81-D-112, tritium handling facility, Los Alamos National Scientific Laboratory, New Mexico, $4,100,000.

Project 81-D-115, MX warhead production facilities, various locations, $10,000,000.

Project 81-D-116, utilities and equipment restoration, replacement, and upgrade, Phase II, various locations, $75,000,000.

Project 81-D-119, reclamation facility improvements, Savannah River Plant, Aiken, South Carolina, $1,200,000.

Project 81-D-120, control of effluents and pollutants, Y-12 Plant, Oak Ridge, Tennessee, $3,000,000.

Project 81-D-121, upgrade weapons staging area roads, Pantex Plant, Texas, $1,600,000.

Project 81-D-133, earthquake damage restoration, Ernest Orlando Lawrence Livermore National Laboratory, California, $3,000,000.

Project 81-D-134, earthquake damage restoration, Sandia National Laboratory at Livermore, California, $2,000,000.

Project 80-AE-5, ground launched cruise missile (GLCM) warhead production facilities, various locations, an additional sum of $3,000,000, for a total project authorization of $7,000,000.

Project 80-AE-6, utilities and equipment restoration, replacement, and upgrade, various locations, an additional sum of $29,900,000 for a total project authorization of $69,300,000.

Project 79-7-e production and assembly facilities, Pantex plant, Amarillo, Texas, an additional sum of $13,000,000, for a total project authorization of $23,000,000.

Project 79-7-p, facilities for new modern strategic bomb, various locations, an additional sum of $7,000,000 for a total project authorization of $35,000,000.

(4) For materials production and byproducts management:

Project 81-D-123, general plant projects, various locations, $14,600,000.

Project 81-D-124, plant engineering and design, various locations, $4,200,000.

Project 81-D-125, N-reactor safety and environmental improvements, security and surveillance, Richland, Washington, $5,100,000.

Project 81-D-126, pollution abatement facilities, Richland, Washington, $1,000,000.

Project 81-D-128, restoration of production capabilities, various locations, $35,000,000.

Project 81-D-131, remote analytical facility upgrade and expansion, Idaho Fuels Processing Facility, Idaho National Engineering Laboratory, Idaho, $28,500,000.

Project 81-D-141, hangers for N-reactor irradiated fuel storage, Richland, Washington, $5,000,000.

Project 81-D-142, steam transfer header, Savannah River, South Carolina, $7,000,000.

Project 81-D-143, L-reactor upgrade, Savannah River, South Carolina, $49,000,000.

Project 77-13-a, fluorinel dissolution process and fuel receiving improvements, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, an additional sum of $34,000,000, for a total project authorization of $149,400,000.

Project 81-T-101, general plant projects, various locations, $9,140,000.

Project 81-T-102, plant engineering and design, various locations, $5,130,000.

Project 81-T-103, sixth set of calcined solids storage bins, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, $15,000,000.

Project 81-T-104, radioactive waste facilities improvements, Oak Ridge National Laboratory, Tennessee, $20,000,000.

Project 81-T-105, defense waste processing facility, Savannah River, South Carolina, $10,000,000.

Project 81-T-106, transuranic waste treatment facility, Idaho National Engineering Laboratory, Idaho, $10,000,000 (AE only).

Project 77-13-f, waste isolation pilot plant, Delaware Basin, southeast New Mexico, an additional sum of $29,000,000, for a total project authorization of $119,000,000.

(5) For capital equipment not related to construction—

(A) for defense inertial confinement fusion, $11,000,000;

(B) for naval reactors development, $39,000,000;

(C) for weapons activities, $113,700,000;

(D) for verification and control technology, $800,000;

(E) for materials production and byproducts management, $75,507,000 of which $53,000,000 shall be used for materials production and $22,507,000 shall be used for byproducts management; and

(F) for nuclear materials security and safeguards development, $3,400,000.

TITLE II—GENERAL PROVISIONS

REPROGRAMING

Sec. 201. (a) Except as otherwise provided in this Act—

(1) no amount appropriated pursuant to this Act may be used for any program in excess of 105 percent of the amount authorized for that program by this Act or $10,000,000 more than the amount authorized for that program by this Act, whichever is the lesser, and

(2) no amount appropriated pursuant to this Act may be used for any program which has not been presented to, or requested of, the Congress,

unless a period of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) has passed after receipt by the appropriate committees of Congress of notice from the Secretary of Energy (hereinafter in this title referred to as the "Secretary") containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or unless each such committee before the expiration of such period has transmitted to the Secretary written notice to the effect that such committee has no objection to the proposed action.

(b) In no event may the total amount of funds obligated pursuant to this Act exceed the total amount authorized to be appropriated by this Act.

LIMITS ON GENERAL PLANT PROJECTS

SEC. 202. (a) The Secretary may carry out any construction project under the general plant projects provisions authorized by this Act if the total estimated cost of the construction project does not exceed $1,000,000.

Report to congressional committees.

(b) If at any time during the construction of any general plant project authorized by this Act, the estimated cost of the project is revised due to unforeseen cost variations and the revised cost of the project exceeds $1,000,000, the Secretary shall immediately furnish a complete report to the appropriate committees of Congress explaining the reasons for the cost variation.

(c) In no event may the total amount of funds obligated to carry out all general plant projects authorized by this Act exceed the total amount authorized to be appropriated for such projects by this Act.

LIMITS ON CONSTRUCTION PROJECTS

SEC. 203. (a) Whenever the current estimated cost of a construction project which is authorized by section 102 of this Act, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of (1) the amount authorized for the project, or (2) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress, the project may not be started or additional obligations incurred in connection with the project above the total estimated cost, as the case may be, unless a period of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 days to a day certain) has passed after receipt by the appropriate committees of Congress of written notice from the Secretary containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of the action, or unless each committee before the expiration of such period has notified the Secretary it has no objection to the proposed action.

(b) Subsection (a) shall not apply to any construction project which has a current estimated cost of less than $5,000,000.

FUND TRANSFER AUTHORITY

SEC. 204. To the extent specified in appropriation Acts, funds appropriated pursuant to this Act may be transferred to other agencies of the Government for the performance of the work for which the funds were appropriated, and funds so transferred may be merged with the appropriations of the agency to which the funds are transferred.

AUTHORITY FOR CONSTRUCTION DESIGN

SEC. 205. (a)(1) Within the amounts authorized by this Act for plant engineering and design, the Secretary may carry out advance planning and construction designs (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such planning and design does not exceed $2,000,000.

Notification to congressional committees.

(2) In any case in which the total estimated cost for such planning and design exceeds $300,000, the Secretary shall notify the appropriate committees of Congress in writing of the details of such project at least 30 days before any funds are obligated for design services for such project.

(b) In any case in which the total estimated cost for advance planning and construction design in connection with any construction project exceeds $2,000,000, funds for such design must be specifically authorized by law.

AUTHORITY FOR EMERGENCY CONSTRUCTION DESIGN

SEC. 206. In addition to the advance planning and construction design authorized by section 102, the Secretary may perform planning and design utilizing available funds for any Department of Energy defense activity construction project whenever the Secretary determines that the design must proceed expeditiously in order to meet the needs of national defense or to protect property or human life.

FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY

SEC. 207. Subject to the provisions of appropriation Acts, amounts appropriated pursuant to this Act for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

ADJUSTMENTS FOR PAY INCREASES

SEC. 208. Appropriations authorized by this Act for salary, pay, retirement, or other benefits for Federal employees may be increased by such amounts as may be necessary for increases in such benefits authorized by law.

AVAILABILITY OF FUNDS

SEC. 209. When so specified in an appropriation Act, amounts appropriated for "Operating Expenses" or for "Plant and Capital Equipment" may remain available until expended.

RESTRICTION ON LICENSING REQUIREMENT FOR CERTAIN DEFENSE ACTIVITIES AND FACILITIES

42 USC 7272.

SEC. 210. None of the funds authorized to be appropriated by this or any other Act may be used for any purpose related to licensing of any defense activity or facility of the Department of Energy by the Nuclear Regulatory Commission.

RESTRICTION ON USE OF FUNDS TO PAY PENALTIES UNDER CLEAN AIR ACT

42 USC 7273.

SEC. 211. None of the funds authorized to be appropriated by this or any other Act may be used to pay any penalty, fine, forfeiture, or settlement resulting from a failure to comply with the Clean Air Act (42 U.S.C. 7401 et seq.) with respect to any defense activity of the Department of Energy if (1) the Secretary finds that compliance is physically impossible within the time prescribed for compliance, or (2) the President has specifically requested appropriations for compliance and the Congress has failed to appropriate funds for such purpose.

ENHANCED RADIATION WARHEADS

SEC. 212. The Secretary of Energy shall produce and stockpile the nuclear materials and the warhead components necessary to enable the rapid conversion of the W70-3 and W79-1 warheads to an enhanced radiation capability.

URANIUM MILL TAILINGS PLAN

SEC. 213. The Secretary of Energy shall develop a plan for a cooperative program to provide assistance in the stabilization and management of uranium mill tailings which have resulted from ore processing to extract uranium under contract with the United States for use primarily in defense programs and which are now commingled with other tailings. In developing the plan, the Secretary shall establish the amount and condition of the tailings resulting from such Federal contracts at each currently operating or currently licensed extraction site in order to permit calculation of the federally contracted share of the total tailings which must be stabilized and managed over time. The plan shall include a methodology for establishing the extent of Federal assistance appropriate to meet the costs for stabilizing and managing such tailings at each such site in order to comply with a requirement of Federal law or regulation imposed after termination of such Federal contracts. The Secretary shall consult with the owners and operators of each such site and shall submit the plan and his recommendations to the Armed Services Committees of the Congress not later than October 1, 1981.

Submittal to congressional committees.

Approved December 17, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-947 accompanying H.R. 7265 (Comm. on Armed Services).
SENATE REPORT No. 96-920 (Comm. on Armed Services).
CONGRESSIONAL RECORD, Vol. 126 (1980):
Sept. 30, considered and passed Senate.
Nov. 20, H.R. 7265 considered and passed House; passage vacated and S. 3074, amended, passed in lieu.
Nov. 25, Senate agreed to House amendment with an amendment.
Dec. 1, House concurred in Senate amendment.

Public Law 96-541
96th Congress

An Act

Dec. 17, 1980
[H.R. 6975]

To extend certain temporary tax provisions, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Temporary tax provisions, extension.

SECTION 1. 18-MONTH EXTENSION OF PROVISIONS RELATING TO EMPLOYMENT STATUS FOR EMPLOYMENT TAXES.

26 USC 3401 note.

(a) In General.—Subsection (a) of section 530 of the Revenue Act of 1978 (relating to termination of certain employment tax liability for periods before 1981) is amended—

(1) by striking out "January 1, 1981" in paragraphs (1)(A) and (3) and inserting in lieu thereof "July 1, 1982",

(2) by striking out "1981" in the subsection heading and inserting in lieu thereof "July 1, 1982", and

(3) by striking out "1979 and 1980" in the heading for paragraph (3) and inserting in lieu thereof "prior".

(b) Prohibition Against Regulations and Rulings on Employment Status.—Subsection (b) of section 530 of the Revenue Act of 1978 is amended by striking out "January 1, 1981" and inserting in lieu thereof "July 1, 1982".

SEC. 2. THREE-YEAR EXTENSION OF PROVISIONS RELATING TO HISTORIC PRESERVATION.

26 USC 191.

(a) Amortization of Certain Rehabilitation Expenditures.—Section 191 of the Internal Revenue Code of 1954 (relating to amortization of certain rehabilitation expenditures for certified historic structures) is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

"(g) Application of Section.—This section shall apply with respect to additions to capital account made after June 14, 1976, and before January 1, 1984.".

26 USC 280B.

(b) Denial of Deductions for Certain Demolitions.—Section 280B of such Code (relating to denial of deduction for demolition of certain historic structures) is amended by adding at the end thereof the following new subsection:

"(c) Application of Section.—This section shall apply with respect to demolitions commencing after June 30, 1976, and before January 1, 1984.".

26 USC 167.

(c) Depreciation of Improvements.—Subsection (n) of section 167 of such Code (relating to depreciation of improvements) is amended by adding at the end thereof the following new paragraph:

"(4) Application of subsection.—This subsection shall apply to that portion of the basis which is attributable to construction, reconstruction, or erection after December 31, 1975, and before January 1, 1984.".

(d) Depreciation of Certain Substantially Rehabilitated Historic Property.—Subsection (o) of section 167 of such Code (relating to depreciation of substantially rehabilitated historic property) is amended by adding at the end thereof the following new paragraph:

"(3) Application of subsection.—This subsection shall apply with respect to additions to capital account occurring after June 30, 1976, and before January 1, 1984.".

(e) Conforming Amendment.—The following provisions of section 2124 of the Tax Reform Act of 1976 are hereby repealed: Repeals.

(1) paragraph (4) of subsection (a), 26 USC 191 note.

(2) paragraph (3) of subsection (b), 26 USC 280B note.

(3) paragraph (2) of subsection (c), and

(4) paragraph (2) of subsection (d). 26 USC 167 note.

SEC. 3. TWO-YEAR EXTENSION OF PROVISION FOR 60-MONTH DEPRECIATION OF EXPENDITURES TO REHABILITATE LOW-INCOME RENTAL HOUSING.

Subsection (k) of section 167 of the Internal Revenue Code of 1954 (relating to depreciation of expenditures to rehabilitate low-income rental housing) is amended by striking out "January 1, 1982" each place it appears and inserting in lieu thereof "January 1, 1984". 26 USC 167.

SEC. 4. TWO-YEAR EXTENSION OF CREDIT OR REFUND OF TAX ON FUELS USED IN CERTAIN TAXICABS.

Paragraph (3) of section 6427(e) of the Internal Revenue Code of 1954 (relating to termination of credit or refund of tax on fuels used in certain taxicabs) is amended by striking out "1980" and inserting in lieu thereof "1982". 26 USC 6427.

SEC. 5. EXTENSION OF CERTAIN PROVISIONS RELATING TO EXCLUSION OF SCHOLARSHIP INCOME.

(a) Federal Grants Not Includable in Gross Income Merely Because the Recipient Is Required to Render Future Service as a Federal Employee.—

(1) In general.—Section 117 of the Internal Revenue Code of 1954 (relating to scholarships and fellowship grants) is amended by adding at the end thereof the following new subsection: 26 USC 117.

"(c) Federal Grants for Tuition and Related Expenses Not Includable Merely Because There Is Requirement of Future Service as Federal Employee.—

"(1) In general.—If—

"(A) an amount received by an individual under a Federal program would be excludable under subsections (a) and (b) as a scholarship or fellowship grant but for the fact that the individual is required to perform future service as a Federal employee, and

"(B) the individual establishes that, in accordance with the terms of the grant, such amount was used for qualified tuition and related expenses,

gross income shall not include such amount.

"(2) Qualified tuition and related expenses defined.—For purposes of this subsection—

"(A) In general.—The term 'qualified tuition and related expenses' means—

"(i) tuition and fees required for the enrollment or attendance of a student at an institution of higher education, and

"(ii) fees, books, supplies, and equipment required for courses of instruction at an institution of higher education.

"(B) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' means an educational institution in any State which—

"(i) admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate,

"(ii) is legally authorized within such State to provide a program of education beyond high school,

"(iii) provides an educational program for which it awards a bachelor's or higher degree, provides a program which is acceptable for full credit toward such a degree, or offers a program of training to prepare students for gainful employment in a recognized health profession, and

"(iv) is a public or other nonprofit institution.

"(3) SERVICE AS FEDERAL EMPLOYEE.—For purposes of this subsection, service in a health manpower shortage area shall be treated as service as a Federal employee.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to taxable years beginning after December 31, 1980.

26 USC 117 note.

(b) NATIONAL RESEARCH SERVICE AWARDS.—Paragraph (2) of section 161(b) of the Revenue Act of 1978 (relating to national research service awards) is amended by striking out "1980" and inserting in lieu thereof "1981".

SEC. 6. REVISING AND MAKING PERMANENT RULES ALLOWING DEDUCTION FOR CONTRIBUTIONS FOR CONSERVATION PURPOSES.

26 USC 170.

(a) IN GENERAL.—Paragraph (3) of section 170(f) of the Internal Revenue Code of 1954 (relating to denial of deduction in case of certain contributions of partial interests in property) is amended by striking out subparagraphs (B) and (C) thereof and inserting in lieu thereof the following new subparagraph:

"(B) EXCEPTIONS.—Subparagraph (A) shall not apply to—

"(i) a contribution of a remainder interest in a personal residence or farm,

"(ii) a contribution of an undivided portion of the taxpayer's entire interest in property, and

"(iii) a qualified conservation contribution.".

(b) QUALIFIED CONSERVATION CONTRIBUTION DEFINED.—Section 170 of such Code is amended by redesignating subsections (h) and (i) as subsections (i) and (j), respectively, and by inserting after subsection (g) the following new subsection:

"(h) QUALIFIED CONSERVATION CONTRIBUTION.—

Supra.

"(1) IN GENERAL.—For purposes of subsection (f)(3)(B)(iii), the term 'qualified conservation contribution' means a contribution—

"(A) of a qualified real property interest,

"(B) to a qualified organization,

"(C) exclusively for conservation purposes.

"(2) QUALIFIED REAL PROPERTY INTEREST.—For purposes of this subsection, the term 'qualified real property interest' means any of the following interests in real property:

"(A) the entire interest of the donor other than a qualified mineral interest,

"(B) a remainder interest, and

"(C) a restriction (granted in perpetuity) on the use which may be made of the real property.

"(3) **Qualified organization.**—For purposes of paragraph (1), the term 'qualified organization' means an organization which—

"(A) is described in clause (v) or (vi) of subsection (b)(1)(A), or

"(B) is described in section 501(c)(3) and— 26 USC 501.

"(i) meets the requirements of section 509(a)(2), or 26 USC 509.

"(ii) meets the requirements of section 509(a)(3) and is controlled by an organization described in subparagraph (A) or in clause (i) of this subparagraph.

"(4) **Conservation purpose defined.**—

"(A) **In general.**—For purposes of this subsection, the term 'conservation purpose' means—

"(i) the preservation of land areas for outdoor recreation by, or the education of, the general public,

"(ii) the protection of a relatively natural habitat of fish, wildlife, or plants, or similar ecosystem,

"(iii) the preservation of open space (including farmland and forest land) where such preservation is—

"(I) for the scenic enjoyment of the general public, or

"(II) pursuant to a clearly delineated Federal, State, or local governmental conservation policy,

and will yield a significant public benefit, or

"(iv) the preservation of an historically important land area or a certified historic structure.

"(B) **Certified historic structure.**—For purposes of subparagraph (A)(iv), the term 'certified historic structure' means any building, structure, or land area which—

"(i) is listed in the National Register, or

"(ii) is located in a registered historic district (as defined in section 191(d)(2)) and is certified by the Secretary of the Interior to the Secretary as being of historic significance to the district. 26 USC 191.

A building, structure, or land area satisfies the preceding sentence if it satisfies such sentence either at the time of the transfer or on the due date (including extensions) for filing the transferor's return under this chapter for the taxable year in which the transfer is made.

"(5) **Exclusively for conservation purposes.**—For purposes of this subsection—

"(A) **Conservation purpose must be protected.**—A contribution shall not be treated as exclusively for conservation purposes unless the conservation purpose is protected in perpetuity.

"(B) **No surface mining permitted.**—In the case of a contribution of any interest where there is a retention of a qualified mineral interest, subparagraph (A) shall not be treated as met if at any time there may be extraction or removal of minerals by any surface mining method.

"(6) **Qualified mineral interest.**—For purposes of this subsection, the term 'qualified mineral interest' means—

"(A) subsurface oil, gas, or other minerals, and

"(B) the right to access to such minerals.".

(c) **Deduction for Contributions for Conservation Purposes Made Permanent.**—Section 309(b)(1) of the Tax Reduction and Simplification Act of 1977 and section 2124(e)(4) of the Tax Reform Act of 1976 are each amended by striking out ", and before June 14, 1981". 26 USC 170 note. 26 USC 170 note.

26 USC 170 note.

(d) Effective Date.—The amendments made by subsections (a) and (b) shall apply to transfers made after the date of the enactment of this Act in taxable years ending after such date.

Approved December 17, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1108 (Comm. on Ways and Means).
SENATE REPORT No. 96-1007 (Comm. on Finance).
CONGRESSIONAL RECORD, Vol. 126 (1980):
  July 21, considered and passed House.
  Oct. 2, considered and passed Senate, amended.
  Dec. 1, House agreed to Senate amendments.

Public Law 96-542
96th Congress

An Act

To clarify certain effective date provisions of the Customs Courts Act of 1980.

Dec. 17, 1980
[S. 3235]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 701(a) of the Customs Courts Act of 1980 (94 Stat. 1747; 28 U.S.C. 251 note) is amended—

Customs Courts Act of 1980, clarification.

(1) by striking out "provided in subsection (b) of" and inserting in lieu thereof "otherwise provided in"; and

(2) by adding immediately before the period at the end thereof the following: "and shall apply with respect to civil actions pending on or commenced on or after such date".

(b) Section 701 of the Customs Courts Act of 1980 (94 Stat. 1747; 28 U.S.C. 251 note) is amended by redesignating subsection (b) as subsection (c) and by inserting immediately after subsection (a) the following new subsection:

"(b)(1) The following sections of title 28, United States Code, shall apply with respect to civil actions commenced on or after the effective date of this Act:

"(A) Sections 1581(d), 1581(g), 1581(h), 1581(i), and 1583, as amended by section 201 of this Act.

Ante, p. 1728.

"(B) Sections 2631(d), 2631(g), 2631(h), 2631(i), 2631(j), 2632(a), 2635, 2636, 2637(c), 2639(b), 2640(a)(5), 2640(c), 2640(d), 2643(a), 2643(c)(2), 2643(c)(4), and 2644, as amended by section 301 of this Act.

Ante, p. 1730.

"(C) Section 1876, as added by section 302(a) of this Act.

Ante, p. 1739.

"(D) Sections 2601 and 2602, as amended by section 403 of this Act.

Ante, p. 1740.

"(E) Section 1919, as amended by section 510 of this Act.

Ante, p. 1743.

"(F) Section 1963A, as added by section 511(a) of this Act.

Ante, p. 1743.

"(2) Sections 337(c) and 641(b) of the Tariff Act of 1930, as amended by sections 604 and 611 of this Act, shall apply with respect to civil actions commenced on or after the effective date of this Act.

Ante, p. 1744, 1746.

"(3) Section 284 of the Trade Act of 1974, as added by section 613 of this Act, shall apply with respect to civil actions commenced on or after the effective date of this Act.".

Ante, p. 1746.

SEC. 2. Section 516A(a)(3) of the Tariff Act of 1930 (19 U.S.C. 1516a(a)(3)) is amended by striking out "subsections (b), (c), and (e) of".

Effective date.
19 USC 1516a note.

SEC. 3. The amendments made by this Act shall be effective as of November 1, 1980.

Approved December 17, 1980.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 126 (1980):
Dec. 2, considered and passed Senate.
Dec. 3, considered and passed House.

Public Law 96-543
96th Congress

An Act

To authorize the Secretary of the Interior to transfer certain land and facilities used by the Bureau of Mines, and for other purposes.

Dec. 17, 1980
[H.R. 7385]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a)(1) the Secretary of the Interior is authorized to enter into a contract with Carnegie-Mellon University, whereby the United States agrees to convey, and Carnegie-Mellon University agrees to accept, all right, title, and interest of the United States in and to the property described in subsection (b) hereof. The contract shall provide, inter alia, that Carnegie-Mellon University, at the time of the conveyance of title to said property, shall pay to the United States the amount which the Secretary of the Interior determines to be the fair market value of the property conveyed, or $5,400,000, whichever is greater. Should the cost of the engineering, design, and construction of the facility and related improvements authorized by section 2 of this Act and the fair market value each amount to less than $5,400,000, Carnegie-Mellon University shall pay the higher of the two amounts.

Carnegie-Mellon University, Pa.
Land conveyance.

(2) The conveyance shall not be effective until (i) the facility authorized pursuant to section 2 of this Act is completed and ready for occupancy; and (ii) Carnegie-Mellon University enters into a long-term agreement with the Secretary of Labor, to the extent and in such amounts as are provided in advance in appropriations Acts, on behalf of the Mine Safety and Health Administration to lease to the Mine Safety and Health Administration all of that portion of the property designated as Building A (Main Building) and Building B (Service Building) and adjacent parking areas until such time as the Secretary of Labor determines that the property is no longer needed for occupancy and use by the Mine Safety and Health Administration.

Description.

(b) The property referred to in subsection (a) includes the land and improvements thereon owned by the United States and used for the Pittsburgh facility of the Bureau of Mines, such land being situated in the Oakland area of Pittsburgh, Pennsylvania, and known as 4800 Forbes Avenue.

Lease agreement.

(c) The Secretary of Labor, on behalf of the Mine Safety and Health Administration, is authorized to enter into a lease agreement with Carnegie-Mellon University, to the extent and in such amounts as are provided in advance in appropriations Acts, and take such other actions as are necessary to occupy and use the space referred to in clause (ii) of subsection (a)(2) at a fair and reasonable price and under terms to be determined by the Secretary of Labor.

Sec. 2. (a) After a duly authorized representative of Carnegie-Mellon University has executed the contract referred to in paragraph (1) of subsection (a) of section 1 of this Act, the Secretary of the Interior may, with funds appropriated for such purposes, enlarge, equip, and improve the research facility of the Bureau of Mines near Bruceton, Pennsylvania, and may transfer such operations as he

deems appropriate to such facility from the facility at Pittsburgh, Pennsylvania.

Appropriation authorization.

(b) In order to carry out this section, there is hereby authorized to be appropriated not more than $5,400,000 for the engineering, design, and construction of facilities and related improvements at the research facility of the Bureau of Mines near Bruceton, Pennsylvania.

Approved December 17, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1140 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 96-977 accompanying S. 2734 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 126 (1980):
- Sept. 23, considered and passed House.
- Nov. 21, considered and passed Senate, amended, in lieu of S. 2734.
- Dec. 2, House concurred in Senate amendments.

Public Law 96-544
96th Congress

Joint Resolution

Making an appropriation for the International Monetary Fund for the fiscal year ending September 30, 1981.

Dec. 17, 1980
[H.J. Res. 601]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sum is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1981, namely:

International Monetary Fund, appropriation.

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MONETARY PROGRAMS

United States Quota, International Monetary Fund

For an increase in the United States quota in the International Monetary Fund, the dollar equivalent of 4,202.5 million Special Drawing Rights (approximately $5,537,839,000), to remain available until expended, and balances equivalent to the current SDR value of the United States quota in the Fund shall be merged with this appropriation. Amounts equivalent to the United States reserve position in the Fund shall be credited to this appropriation. Amounts available in this account may be transferred to the Fund by the Secretary of the Treasury to meet United States obligations in the Fund in an amount not to exceed at any time the United States quota in the Fund. The amounts provided for valuation adjustments of Fund holdings of United States dollars shall continue to be available for this purpose and shall be available for transfers to this appropriation account for the purpose of such adjustments. In the administration of these funds it shall be the policy of the United States:

22 USC 286e note.

(1) that the Palestine Liberation Organization should not be given membership in the Fund or be given observer status or any other official status at any meeting sponsored by or associated with the Fund;

Palestine Liberation Organization.

(2) that the United States Executive Director of the Fund shall promptly notify the Fund of such policy;

(3) that in the event that the Fund provides either membership, observer status, or any other official status to the Palestine Liberation Organization, such action would result in a serious diminution of United States support; and

Report to Congress.

(4) that upon review of such action, the President would be required to report his recommendations to the Congress with regard to any further United States participation in the Fund.

Approved December 17, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1263 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 126 (1980):
    Sept. 17, 25, considered and passed House.
    Dec. 13, considered and passed Senate.

Public Law 96-545
96th Congress

An Act

To designate the United States Post Office and Federal Building in Huntington, West Virginia, as the "Sidney L. Christie Federal Building".

Dec. 18, 1980
[H.R. 1298]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Post Office and Federal Building located in Huntington, West Virginia, is hereby designated as the "Sidney L. Christie Federal Building". Any reference in any law, regulation, document, record, map, or other paper of the United States to such building shall be considered to be a reference to the Sidney L. Christie Federal Building.

Sidney L. Christie Federal Building, W. Va. Designation.

SEC. 2. The seventh sentence of section 202(c) of the Appalachian Regional Development Act of 1965 is amended by striking everything after "except" and through "child development demonstrations" and inserting in lieu thereof "that child development demonstrations assisted under this section during fiscal year 1979 may, upon State request, be approved under section 303 of this Act for continued support beyond that period".

40 USC app. 202.

40 USC app. 303.

Approved December 18, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-431 (Comm. on Public Works and Transportation).
CONGRESSIONAL RECORD:
    Vol. 125 (1979): Oct. 15, considered and passed House.
    Vol. 126 (1980): Dec. 3, considered and passed Senate, amended.
        Dec. 4, House concurred in Senate amendment.

Public Law 96-546
96th Congress

An Act

Dec. 18, 1980
[H.R. 8173]

To provide for distribution in the United States of certain International Communication Agency films relating to President Lyndon Baines Johnson.

Lyndon Baines Johnson. International Communication Agency films, distribution. Deposit in National Archives.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding the second sentence of section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461)—

(1) the Director of the International Communication Agency shall, upon receipt of reimbursement for any expenses involved, and upon the securing by the Administrator of General Services of any necessary music rights, make available to the Administrator for deposit in the National Archives of the United States, a master copy of each film listed in subsection (b) of this section, including any trims and outs from such films; and

Public availability.

(2) the Administrator shall make copies of those films available for purchase and public viewing in the United States.

(b) The films to be made available pursuant to subsection (a) of this section are the following:

"A President's Country".
"The President".
"Bridge of Friendship and Faith".
"President of Upper Volta Visits America".
"Journey to the Pacific".
"A Day in Malaysia".
"In Common Cause".
"Guest of Honor".
"A Day in April".
"El Weekend".
"Asian Journey".
"Common Purpose".
"LBJ at San Antonio".
"Day of the Oath".
"Meeting at Glasboro".

Approved December 18, 1980.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 126 (1980):
Nov. 17, considered and passed House.
Dec. 8, considered and passed Senate.

Public Law 96-547
96th Congress

An Act

To amend section 9 of the National Climate Program Act to extend the authorization for appropriations for fiscal years 1981, and for other purposes.

Dec. 18, 1980
[S. 1391]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 9 of the National Climate Program Act (15 U.S.C. 2908) is amended to read as follows:

National Climate Program Act, appropriation authorization extension.

"SEC. 9. AUTHORIZATION FOR APPROPRIATIONS.

"In addition to any other funds otherwise authorized to be appropriated for the purpose of conducting climate-related programs, there are authorized to be appropriated to the Secretary, for the purpose of carrying out the provisions of this Act, not to exceed $50,000,000 for the fiscal year ending September 30, 1979, not to exceed $65,000,000 for the fiscal year ending September 30, 1980, and not to exceed $25,500,000 for the fiscal year ending September 30, 1981, of which amount not less than $2,653,000 shall be made directly available to the National Climate Program Office in the form of a budget item separate from the activities of the National Oceanic and Atmospheric Administration.".

SEC. 2. Section 6(b) of the National Weather Modification Policy Act of 1976 (15 U.S.C. 330e) is amended to read as follows: "There are authorized to be appropriated $150,000 for the fiscal year ending June 30, 1972, $200,000 each for the fiscal years 1973 through 1980, and $100,000 for the fiscal year ending September 30, 1981, to carry out the provisions of this chapter.".

Approved December 18, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1392 (Comm. on Science and Technology).
SENATE REPORT No. 96-782 (Comm. on Commerce, Science, and Transportation).
CONGRESSIONAL RECORD, Vol. 126 (1980):
  Aug. 27, considered and passed Senate.
  Oct. 1, considered and passed House, amended.
  Dec. 4, Senate concurred in House amendments.

Public Law 96-548
96th Congress

An Act

Dec. 18, 1980
[H.R. 8404]

To designate the Federal Building-United States Courthouse in Sacramento, California, the "John E. Moss Federal Building-United States Courthouse".

John E. Moss Federal Building-United States Courthouse, Calif. Designation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Building-United States Courthouse, 650 Capitol Mall, Sacramento, California, shall hereafter be known and designated as the "John E. Moss Federal Building-United States Courthouse". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "John E. Moss Federal Building-United States Courthouse".

Approved December 18, 1980.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 126 (1980):
Dec. 5, considered and passed House.
Dec. 9, considered and passed Senate.

Public Law 96-549
96th Congress

An Act

To authorize the Secretary of the Interior to reimburse certain purchasers of subleases from, and creditors of, the Sangre de Cristo Development Company, Incorporated, and for other purposes.

Dec.18, 1980
[S. 1972]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Interior is authorized to reimburse persons who are determined by the Secretary to be bona fide purchasers of subleases from the Sangre de Cristo Development Company, Incorporated (a corporation incorporated under the laws of the State of New Mexico), for subdivision lots on the Pueblo of Tesuque Indian Reservation near Santa Fe, New Mexico. The Secretary is authorized to reimburse such persons for the amounts they have expended in the acquisition of a sublease or subleases and upon receipt of such compensation such persons must relinquish all claims or rights, if any, they may have arising from their sublease.

Sangre de Cristo Development Company, Inc. Reimbursements.

(b) Applications for reimbursement under this Act shall be in such form and contain such information as the Secretary of the Interior, by regulation, shall prescribe. No application for reimbursement shall be considered by the Secretary unless it is submitted on or before the date of expiration of the twenty-four-month period following the date of enactment of this Act.

Applications.

(c) Subject to the availability of appropriations, the Secretary shall reimburse those applicants who are determined to be bona fide purchasers of subleases from the Sangre de Cristo Development Company, Incorporated, pursuant to its master lease with Tesuque Pueblo initially approved May 24, 1970, by the Bureau of Indian Affairs and subsequently disapproved on August 24, 1977. As used in this Act, the term "bona fide purchasers" shall mean anyone who purchased a sublease in an arm's-length transaction, for value and without notice.

(d) Within the one-hundred-and-eighty-day period following the date of the enactment of this Act, the Secretary of the Interior shall take such action as may be necessary to inform purchasers of such subleases from the Sangre de Cristo Development Company, Incorporated, of the fact that the Secretary of the Interior has authority to reimburse any such person determined by the Secretary to be a bona fide purchaser of such sublease for the amounts expended by such purchaser in the acquisition of such sublease. The Secretary shall further inform such purchasers that any application for reimbursement must be submitted on or before the date of expiration of the twenty-four-month period following the date of the enactment of this Act.

SEC. 2. (a) Subject to the availability of appropriations, the Secretary of the Interior shall reimburse bona fide creditors of the Sangre de Cristo Development Company, Incorporated, who shall have been certified as such by the United States District Court for the District of New Mexico, Bankruptcy Division, in the action entitled "Sangre de Cristo Development Company, Incorporated, No. 77-1044 in Bankruptcy", for the amount the court determines is owing to such creditors from such corporation. The United States shall have a right to intervene in such action as its interests may warrant in consideration of the provisions of this section and shall have the rights of a party in interest under section 502 of title II, United States Code. No person or entity having or having had an equity interest in the Sangre de Cristo Development Company, Incorporated, shall be deemed to be a bona fide creditor of the corporation for purposes of this section.

(b) Any creditor, who has accepted a sublease from the corporation for subdivision lots in compensation for services or materials provided to the corporation and who is otherwise a bona fide creditor under subsection (a) of this section, may be reimbursed pursuant to subsection (a) for the actual value of such services or materials upon certification by the court as provided in subsection (a) or upon proof satisfactory to the Secretary.

Jurisdiction.

SEC. 3. Jurisdiction is hereby conferred on the United States District Court for the District of New Mexico to hear, determine, and render judgment on any legal claim for damages, under existing law, that the Sangre de Cristo Development Company, Incorporated, may have against the United States arising from the action of the United States in the initial approval and subsequent disapproval of the lease described in section 1(c) of this Act or from the preparation of the environmental impact statement attendant to such lease. Such action must be filed within one year from the date of enactment of this Act and jurisdiction conferred by this section includes jurisdiction of any setoff, counterclaim, or other claim or demand whatever on the part of the United States against such corporation.

Appropriation authorization.

SEC. 4. Effective October 1, 1981, there are authorized to be appropriated such sums as may be necessary to carry out the provisions of sections 1 and 2 of this Act.

Approved December 18, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1408 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 96-798 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 126 (1980):
June 20, considered and passed Senate.
Nov. [illegible], considered and passed House, amended.
Dec. 4, Senate concurred in House amendments.

Public Law 96-550
96th Congress

An Act

To designate certain National Forest System lands in the State of New Mexico for inclusion in the National Wilderness Preservation System, and for other purposes.

Dec. 19, 1980
[H.R. 8298]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

National Forest System lands, N. Mex. Designation.

TITLE I

SEC. 101. The purposes of this Act are to—

(1) designate certain National Forest System lands in New Mexico for inclusion in the National Wilderness Preservation System in order to promote, perpetuate, and preserve the wilderness character of the land, to protect watersheds and wildlife habitat, preserve scenic and historic resources, and to promote scientific research, primitive recreation, solitude, physical and mental challenge, and inspiration for the benefit of all the American people;

(2) insure that certain other National Forest System lands in New Mexico be promptly available for nonwilderness uses including, but not limited to, campground and other recreation site development, timber harvesting, intensive range management, mineral development, and watershed and vegetation manipulation; and

(3) designate certain other National Forest System land in New Mexico for further study in furtherance of the purposes of the Wilderness Act.

16 USC 1131 note.

SEC. 102. (a) In furtherance of the purposes of the Wilderness Act, the following National Forest System lands in the State of New Mexico are hereby designated as wilderness, and therefore, as components of the National Wilderness Preservation System—

16 USC 1132 note.

(1) certain lands in the Gila National Forest, New Mexico, which comprise approximately two hundred and eleven thousand three hundred acres, as generally depicted on a map entitled "Aldo Leopold Wilderness—Proposed", dated August 1980, and which shall be known as the Aldo Leopold Wilderness;

16 USC 1132 note.

(2) certain lands in the Cibola National Forest, New Mexico, which comprise approximately forty-five thousand acres, as generally depicted on a map entitled "Apache Kid Wilderness—Proposed", dated November 1980, and which shall be known as the Apache Kid Wilderness;

16 USC 1132 note.

(3) certain lands in the Apache and Gila National Forests, New Mexico, which comprise approximately thirty thousand acres, as generally depicted on a map entitled "Blue Range Wilderness—Proposed", dated August 1980, and which shall be known as the Blue Range Wilderness;

16 USC 1132 note.

(4) certain lands in the Lincoln National Forest, New Mexico, which comprise approximately thirty-four thousand acres, as generally depicted on a map entitled "Capitan Mountains Wil-

derness—Proposed", dated August 1980, and which shall be known as the Capitan Mountains Wilderness;

16 USC 1132 note.

(5) certain lands in the Carson National Forest, New Mexico, which comprise approximately eighteen thousand acres, as generally depicted on a map entitled "Cruces Basin Wilderness—Proposed", dated November 1980, and which shall be known as the Cruces Basin Wilderness: *Provided, however,* That the designation of this area as wilderness shall not interfere with the construction of additional fencing authorized by the grazing allotment management plan for the area, and shall not be cause to require reductions in existing potential animal unit months under the applicable grazing allotment management plan for the area;

16 USC 1132 note.

(6) certain lands in the Santa Fe National Forest, New Mexico, which comprise approximately five thousand two hundred acres, as generally depicted on a map entitled "Dome Wilderness—Proposed", dated August 1980, and which shall be known as the Dome Wilderness;

(7) certain lands in the Gila National Forest, New Mexico, which comprise approximately one hundred and forty thousand acres, as generally depicted on a map entitled "Gila Wilderness Additions—Proposed", dated November 1980, and which are hereby incorporated in and shall be deemed a part of the Gila Wilderness as designated by Public Law 88-577;

16 USC 1131 note.
16 USC 1132 note.

(8) certain lands in the Carson National Forest, New Mexico, which comprise approximately twenty thousand acres, as generally depicted on a map entitled "Latir Peak Wilderness—Proposed", dated November 1980, and which shall be known as the Latir Peak Wilderness;

(9) certain lands in the Carson and Santa Fe National Forests, New Mexico, which comprise approximately fifty-five thousand acres, as generally depicted on a map entitled "Pecos Wilderness Additions—Proposed", dated November 1980, and which are hereby incorporated in and shall be deemed a part of the Pecos Wilderness as designated by Public Law 88-577: *Provided,* That nothing in this Act shall interfere with the management of, or rules, regulations and law applying to the Santa Fe Municipal Watershed;

(10) certain lands in the Carson National Forest, New Mexico, which comprise approximately fourteen thousand seven hundred acres, as generally depicted on a map entitled "Wheeler Peak Wilderness Additions—Proposed", dated November 1980, and which are hereby incorporated in and shall be deemed to be a part of the Wheeler Peak Wilderness as designated by Public Law 88-577;

(11) certain lands in the Lincoln National Forest, New Mexico, which comprise approximately sixteen thousand eight hundred and sixty acres, as generally depicted on a map entitled "White Mountain Wilderness Additions—Proposed", dated August 1980, and which are hereby incorporated in and shall be deemed to be a part of the White Mountain Wilderness as designated by Public Law 88-577;

16 USC 1132 note.

(12) certain lands in the Cibola National Forest, New Mexico, which comprise approximately nineteen thousand acres, as generally depicted on a map entitled "Withington Wilderness—Proposed", dated August 1980, and which shall be known as the Withington Wilderness;

(b) The previous classifications of the Black Range Primitive Area, the Blue Range Primitive Area in the State of New Mexico, and the Gila Primitive Area are hereby abolished.

Maps and legal descriptions, filing with congressional committees.

(c) As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file the maps referred to in this Act and legal descriptions of each wilderness area designated by this Act with the Committee on Energy and Natural Resources, United States Senate, and the Committee on Interior and Insular Affairs, United States House of Representatives, and each such map and legal description shall have the same force and effect as if included in this Act: *Provided, however*, That correction of clerical and typographical errors in such legal descriptions and maps may be made. Each such map and legal description shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture.

16 USC 1131 note.

(d) Subject to valid existing rights, each wilderness area designated by this Act shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act of 1964 (78 Stat. 892) governing areas designated by that Act as wilderness areas, except that, with respect to any area designated in this Act, any reference in such provisions to the effective date of the Wilderness Act of 1964 shall be deemed to be a reference to the effective date of this Act.

Lands review, report to President and Presidential recommendations to Congress.
16 USC 1132 note.
16 USC 1600 note, 1131 note.

SEC. 103. (a) The Secretary of Agriculture shall review the following lands, in conjunction with the requirements of the National Forest Management Act of 1976 and in furtherance of the purposes of the Wilderness Act, as to their suitability or nonsuitability for preservation as wilderness, and shall submit his report and findings to the President, and the President shall submit his recommendations to the United States Senate and the United States House of Representatives no later than January 1, 1986:

(1) Certain lands in the Coronado National Forest, New Mexico, which comprise approximately fifteen thousand one hundred and ten acres, as generally depicted on a map entitled "Bunk Robinson Wilderness Study Area—Proposed", dated November 1980, and which shall be known as the Bunk Robinson Wilderness Study Area.

(2) Certain lands in the Carson National Forest, New Mexico, which comprise approximately forty-six thousand acres, as generally depicted on a map entitled "Columbine Hondo Wilderness Study Area—Proposed", dated November 1980, and which shall be known as the Columbine Hondo Wilderness Study Area.

(3) Certain lands in the Lincoln National Forest, New Mexico, which comprise approximately twenty-one thousand acres, as generally depicted on a map entitled "Guadalupe Escarpment Wilderness Study Area—Proposed", dated November 1980, and which shall be known as the Guadalupe Escarpment Wilderness Study Area.

(4) Certain lands in the Gila National Forest, New Mexico, which comprise approximately eighteen thousand eight hundred and sixty acres, as generally depicted on a map entitled "Hell Hole Wilderness Study Area—Proposed", dated November 1980, and which shall be known as the Hell Hole Wilderness Study Area.

(5) Certain lands in the Apache and Gila National Forests, New Mexico, which comprise approximately eight thousand eight hundred acres, as generally depicted on a map entitled "Lower San Francisco Wilderness Study Area—Proposed", dated

November 1980, and which shall be known as the Lower San Francisco Wilderness Study Area.

(6) Certain lands in the Coronado National Forest, New Mexico, which comprise approximately seven thousand seven hundred and sixty acres, as generally depicted on a map entitled "Whitmire Canyon Wilderness Study Area—Proposed", dated November 1980, and which shall be known as the Whitmire Canyon Wilderness Study Area.

Administration.

(b) Subject to valid existing rights, the wilderness study areas designated by this section shall, until Congress determines otherwise, be administered by the Secretary of Agriculture so as to maintain their presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System: *Provided,* That within the areas, current levels of motorized and other uses and improvements shall be permitted to continue subject to such reasonable rules and regulations as the Secretary of Agriculture shall prescribe.

SEC. 104. (a) The Congress finds that—

(1) the Department of Agriculture has completed the second roadless area review and evaluation program (RARE II); and

(2) the Congress has made its own review and examination of National Forest System roadless areas in the State of New Mexico and of the environmental impacts associated with alternative allocations of such areas.

(b) On the basis of such review, the Congress hereby determines and directs that—

(1) without passing on the question of the legal and factual sufficiency of the RARE II Final Environmental Statement (dated January 1979) with respect to National Forest System lands in States other than New Mexico such statement shall not be subject to judicial review with respect to National Forest System lands in the State of New Mexico;

16 USC 1600 note.

(2) with respect to the National Forest System lands in the State of New Mexico which were reviewed by the Department of Agriculture in the second roadless area review and evaluation (RARE II), except those areas designated for Wilderness Study by section 103 of this Act, or designated as wilderness by this Act, that review and evaluation shall be deemed for the purposes of the initial land management plans required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1974 as amended by the National Forest Management Act of 1976 to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System, and the Department of Agriculture shall not be required to review the wilderness option prior to the revision of the initial plans, and in no case prior to the date established by law for completion of the initial planning cycle;

(3) areas in the State of New Mexico reviewed in such Final Environmental Statement and not designated as wilderness, or for wilderness study by this Act need not be managed for the purpose of protecting their suitability for wilderness designation pending revision of the initial plans.

(c) Unless expressly authorized by Congress, the Secretary shall not conduct any further statewide roadless area review and evaluation of National Forest System lands in the State of New Mexico for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

SEC. 105. Congress does not intend that designation of wilderness areas in the State of New Mexico lead to the creation of protective perimeters or buffer zones around each wilderness area. The fact that nonwilderness activities or uses can be seen or heard from areas within the wilderness shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

TITLE II—TO ESTABLISH THE LANGMUIR RESEARCH SITE IN THE STATE OF NEW MEXICO

Establishment.
16 USC 542.

SEC. 201. That in order to encourage scientific research into atmospheric processes and astronomical phenomena, and to preserve conditions necessary for that research, there is hereby established the Langmuir Research Site (hereinafter referred to as the "research site") in the Cibola National Forest in the State of New Mexico.

16 USC 542a.

SEC. 202. The Congress finds that the high altitude and freedom from air pollution and night luminosity caused by human activity, make the research site uniquely suited to the conduct of research probes into thunder clouds and for other atmospheric and astronomical research purposes.

Administration.
16 USC 542b.

SEC. 203. The Secretary of Agriculture shall administer, protect, and regulate use of the research site in accordance with the laws, rules, and regulations applicable to National Forest System lands, and in such manner as will best contribute to purposes of this Act.

Land use agreement.
16 USC 542c.

SEC. 204. The Secretary of Agriculture in furtherance of the purposes of this Act, is hereby authorized, and directed, to enter into an appropriate land use agreement with New Mexico Institute of Mining and Technology for the Langmuir Research Site for the purpose of establishing conditions for use of the national forest land, and to set forth working relationships during such period of use.

16 USC 542d.

SEC. 205. (a) The research site shall consist of approximately thirty-one thousand acres, including a principle research facility of approximately one thousand acres. The boundaries are depicted on a map entitled "Langmuir Research Site", dated August 1980, which is on file and available for public inspection in the office of the Chief, Forest Service, United States Department of Agriculture.

Management plan, development.

(b) As soon as practicable, after enactment of this Act, the Secretary of Agriculture shall develop a comprehensive management plan for the research site consistent with requirements of the National Forest Management Act of 1976 (Public Law 94-588) (16 U.S.C. 1604), which shall be incorporated into the initial Cibola National Forest land and resource management plan as provided for under that Act.

Minor boundary adjustments, notice to congressional committees.

(c) Following timely notice in writing to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate of his intention to do so, the Secretary may make minor adjustments in the boundaries of the research site to provide for more effective management or to encourage further research activity. For the purposes of this subsection, minor boundary adjustments shall not increase or decrease the amount of land within the research site by more than seven thousand acres.

(d) In developing the plan, the Secretary shall consult with the National Science Foundation, the New Mexico Institute of Mining and Technology, the New Mexico Academy of Science and appropriate conservation, wilderness, wildlife, industry, and other public interest groups.

(e) The plan shall prescribe specific research and management objectives necessary for the protection, management, and regulation of the research site as outlined in subsection (f) of this section.

Management.

(f) The research site shall be managed in accordance with the following objectives:

(1) The principal research facility shall be managed primarily for scientific research purposes. Dispersed recreation, grazing, and other uses which the Secretary determines to be compatible with scientific research may be permitted.

(2) The research site shall be managed to enhance scientific research objectives. Scientific research activities and associated research equipment and structures shall be permitted within the research site in accordance with the plan.

(3) Roads shall be limited to those necessary for scientific research activities and other reasonable activities as determined by the Secretary. Motor vehicle use shall be restricted to roads designated in the plan.

(4) The landing of small instrumented research rockets shall be permitted to continue in portions of the research site designated for such purposes in the plan.

TITLE III—FOR THE RELIEF OF ALBERT AND EULALIA RODRIGUEZ

SEC. 301. The Secretary of the Interior is authorized and directed to reimburse Albert and Eulalia Rodriguez for improvements to land situated in section 5, township 25 north, range 13 east of the New Mexico principal meridian within the Taos Pueblo Grant, State of New Mexico.

Appropriation authorization.

SEC. 302. Beginning October 1, 1981, there is hereby authorized to be appropriated not more than $20,000 for the purposes of this Act.

TITLE IV—FOR THE RELIEF OF THE VERMEJO CONSERVANCY DISTRICT

SEC. 401. That, notwithstanding any other provision of law, the Secretary of the Interior is authorized, subject to the written consent of the Vermejo Conservancy District, to amend contract numbered 178r-458, dated August 7, 1952, as amended, between the Vermejo Conservancy District, located in the State of New Mexico, and the United States for the construction, operation, and maintenance of the Vermejo reclamation project, to defer payments on the remaining repayment obligation of the Vermejo Conservancy District under such contract, until such time or times as the Secretary determines additional repayment to be reasonably feasible, to relieve the district of such other penalties, assessments, or costs, including interest, which have accrued or may become due under the existing contract prior to enactment of this Act, and to transfer all right, title, and interest in or to the project facilities serving the Vermejo Conservancy District: *Provided,* That the Vermejo Conservancy District shall, to the extent practicable, continue to operate and maintain the facilities of the Vermejo project for the benefit of all authorized project beneficiaries, including the Maxwell National Wildlife Refuge, and in accordance with the authorized project purposes: *Provided further,* That with the exception of assistance, if needed, under the Disaster Relief Act of 1974, as amended, the Federal Government shall incur no further expense on behalf of the Vermejo project or the Vermejo Conservancy District for the operation and

42 USC 5121 note.

maintenance or rehabilitation of existing facilities or for the development of any new facilities related to the delivery or impoundment of water, and further Federal expenditures related to the Vermejo Federal reclamation project shall be limited to administration of such amended contract for the purpose of determining and obtaining such reasonable repayment as may be feasible, and to necessary expenses for fish and wildlife purposes. Transfer of project facilities to the district shall be without any additional consideration in excess of the existing repayment obligation of the district, and shall include any related lands or interest in lands acquired by the Federal Government for the project, except that any lands or interests in land, or interests in water, or other contractual arrangements which may be held by the Secretary for management of the Maxwell National Wildlife Refuge, for wildlife enhancement purposes, shall not be transferred and shall be maintained consistently with existing arrangements. Any amended contract which provides for deferral of the district's repayment obligation shall provide that the obligation shall continue in effect until repaid or for the useful life of the existing facilities, and the Secretary shall provide for a flexible plan of repayment of the remaining obligation of the district according to the district's ability to repay as determined by the Secretary. Determinations of ability to repay shall include water deliveries achieved in a given year, as well as such other factors as the Secretary considers to be pertinent.

TITLE V—CHACO CULTURE NATIONAL HISTORICAL PARK

SEC. 501. (a) The Congress finds that— 16 USC 410ii.

(1) archeological research in the San Juan Basin conducted over the past several years has greatly increased public knowledge of the scope of the prehistoric culture referred to as Chacoan Anasazi;

(2) the discoveries and the increased general interest in the Chaco phenomenon have come at a time when the San Juan Basin is experiencing extensive exploration and development for a wide variety of energy-related resources, including coal, uranium, oil, and natural gas;

(3) development of the San Juan Basin's important natural resources and the valid existing rights of private property owners will not be adversely affected by the preservation of the archeological integrity of the area; and

(4) in light of the national significance of the Chacoan sites and the urgent need to protect them, continued cooperation between Federal agencies and private corporations is necessary to provide for development in the San Juan Basin in a manner compatible with preservation and archeological research.

(b) It is the purpose of this title to recognize the unique archeological resources associated with the prehistoric Chacoan culture in the San Juan Basin; to provide for the preservation and interpretation of these resources; and to facilitate research activities associated with these resources.

Establishment.
16 USC 410ii-1.

SEC. 502. (a) There is hereby established in the State of New Mexico, the Chaco Culture National Historical Park comprising approximately thirty three thousand nine hundred and eighty nine acres as generally depicted on the map entitled "Chaco Culture National Historical Park", numbered 310/80,032-A and dated August 1979. The Chaco Canyon National Monument is hereby abolished, as such, and any funds available for the purpose of the monument shall be

Abolishment.
16 USC 431 note.

available for the purpose of the Chaco Culture National Historical Park.

(b) Thirty three outlying sites generally depicted on a map entitled "Chaco Culture Archeological Protection Sites", numbered 310/80,033-A and dated August 1980, are hereby designated as "Chaco Culture Archeological Protection Sites". The thirty three archeological protection sites totaling approximately eight thousand seven hundred and seventy one acres are identified as follows:

Name:	Acres
Allentown	42
Andrews Ranch	640
Bee Burrow	40
Bisa'ani	131
Casa del Rio	40
Coolidge	15
Dalton Pass	10
Great Bend	19
Greenlee Ruin	60
Grey Hill Spring	23
Halfway House	40
Haystack	115
Hogback	371
Indian Creek	100
Jacques	40
Kin Nizhoni	726
Lake Valley	30
Las Ventanas	31
Morris 41	85
Muddy Water	1,210
Newcomb	44
Peach Springs	985
Pierre's Site	440
Raton Well	23
San Mateo	14
Sanostee	1,565
Section 8	40
Skunk Springs/Crumbled House	588
Standing Rock	321
Twin Angels	40
Toh-la-kai	10
Upper Kin Klizhin	60
Squaw Springs	870

List additions or deletions, submittal to Congress.
16 USC 410ii-2.
Supra.

SEC. 503. The Secretary of the Interior shall continue to search for additional evidences of Chacoan sites and submit to Congress within two years of date of enactment of this Act and thereafter as needed, his recommendations for additions to, or deletions from, the list of archeological protection sites in section 502(b) of this title. Additions to or deletions from such list shall be made only by an Act of Congress.

Lands, waters, and interests, acquisition.
16 USC 410ii-3.

SEC. 504. (a) The Secretary is authorized to acquire lands, waters, and interests therein within the boundaries of the Chaco Culture National Historical Park (hereinafter referred to as the "park") and the archeological protection sites as identified in section 502 of this title by donation, purchase with donated or appropriated funds, or exchange. Property owned by the State of New Mexico or any political subdivision thereof, may be acquired by exchange or donation only. Property held in trust for the benefit of any Indian tribe or for the benefit of any individual member thereof may be acquired only with the consent of such owner or beneficial owner as the case may be.

(b) The respective tribal authorities are authorized to convey by exchange, purchase, on donation the beneficial interest in any lands designated by section 502 of this Act and held in trust by the United States for the respective tribes, to the Secretary, subject to such terms and conditions as the tribal authority deems necessary and which the Secretary deems are consistent with the purposes of this title.

Private lands or interests, acquisition.

(c)(1) The Secretary shall attempt to acquire private lands or interests therein by exchange prior to acquiring lands by any other method authorized pursuant to section 504 of this Act.

Private property owners, cooperative agreements.

(2) The Secretary shall attempt to enter into cooperative agreements pursuant to section 505 of this Act with owners of private property for those archeological protection sites described in section 502(b) of this Act. The Secretary shall acquire fee title to any such private property only if it is necessary to prevent direct and material damage to, or destruction of, Chaco cultural resources and no cooperative agreement with the owner of the private property interest can be effected.

Federal property pool, designation.

(d)(1) For purposes of completing an exchange pursuant to subsections (a) and (b), the Secretary shall designate a pool of at least three times the private acreage described in subsections (a) and (b), comprised of Federal property interests of a similar resource character to property to be exchanged. Federal property shall, whenever possible, be designated in blocks of at least one section in size, but in no event shall the blocks designated be less than one-quarter of a section in size.

(2) The Secretary may include within the pool any Federal property under his jurisdiction except units of the National Park System, National Forest System, or the National Wildlife Refuge System that are nominated by the owner of the private property to be exchanged. Exchanges shall be on the basis of equal value, and either party to the exchange may pay or accept cash in order to equalize the value of the property exchange, except that if the parties agree to an exchange and the Secretary determines it is in the public interest, such exchange may be made for other than equal values.

Federal lands exchanged for non-Federal property.

(e) All Federal lands, waters, and interests therein excluded from the boundaries of Chaco Canyon National Monument by this title may be exchanged for non-Federal property to be acquired pursuant to this title. Any lands so excluded shall be managed by the Secretary under the provisions of the Federal Land Policy and Management Act of 1976. Transfer of administration of such lands to the Bureau of Land Management shall not be considered a withdrawal as that term is defined in section 103(j) of the Federal Land Policy and Management Act of 1976.

43 USC 1701 note.

43 USC 1702.

16 USC 410ii-4.

SEC. 505. The Secretary shall seek to enter into cooperative agreements with the owners, including the beneficial owners, of the properties located in whole or in part within the park or the archeological protection sites. The purposes of such agreements shall be to protect, preserve, maintain, and administer the archeological resources and associated site regardless of whether title to the property or site is vested in the United States. Any such agreement shall contain provisions to assure that (1) the Secretary, or his representative, shall have a right of access at all reasonable times to appropriate portions of the property for the purpose of cultural resource protection and conducting research, and (2) no changes or alterations shall be permitted with respect to the cultural resources without the written consent of the Secretary. Nothing in this title shall be deemed to prevent the continuation of traditional Native American religious uses of properties which are the subject of cooperative agreements.

Administration.
16 USC 410ii-5.

SEC. 506. (a) The Secretary shall administer the park in accordance with the provisions of this title and the provisions of law generally applicable to the administration of units of the National Park

System, including the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4), and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-7).

(b) The Secretary shall protect, preserve, maintain, and administer the Chaco Culture Archeological Protection Sites, in a manner that will preserve the Chaco cultural resource and provide for its interpretation and research. Such sites shall be managed by the Secretary in accordance with the provisions of this title and the provisions of law generally applicable to public lands as defined in section 103(e) of the Federal Land Policy and Management Act of 1976: *Provided, however*, That lands held in trust by the Secretary for an Indian tribe or any individual member thereof, or held in restricted fee status shall continue to be so managed or held by the Secretary.

43 USC 1702.

(c) No activities shall be permitted upon the upper surface of the archeological protection sites which shall endanger their cultural values. For the purposes of this title, upper surface shall be considered to extend to a depth of twenty meters below ground level. Nothing in this title shall be deemed to prevent exploration and development of subsurface oil and gas, mineral, and coal resources from without the sites which does not infringe upon the upper surface of the sites.

(d) Nothing in this title shall be deemed to prevent the continuation of livestock grazing on properties which are the subject of cooperative agreements.

General management plan, transmittal to congressional committees.

(e) Within three complete fiscal years from the date of enactment, the Secretary shall transmit to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, a general management plan for the identification, research, and protection of the park, pursuant to the provisions of subsection (12)(b) of the Act of August 18, 1970, to be developed by the Director, National Park Service, in consultation with the Directors, Bureau of Land Management and Bureau of Indian Affairs and the Governor, State of New Mexico, and a joint management plan for the identification, research, and protection of the archeological protection sites, to be developed by the Director, National Park Service, in consultation and concurrence with the Directors, Bureau of Land Management and Bureau of Indian Affairs, and the Governor, State of New Mexico.

16 USC 1a-7.

16 USC 410ii-6.

SEC. 507. (a) Consistent with and in furtherance of the purposes of the Division of Cultural Research of the Southwest Cultural Resources Center, operated by the National Park Service, the Secretary shall continue such research and data gathering activities as may be appropriate to further the purposes of this title and knowledge of the Chaco culture. The Secretary shall submit in writing within six months of the effective date of this section, to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, a plan for the continued operational program of the Division. The Secretary is authorized and encouraged to establish a committee composed of professional archeologists and others with related professional expertise including the designee of the Governor of the State of New Mexico to advise the Secretary in matters related to the surveying, excavation, curation, interpretation, protection, and management of the cultural resources of the historical park and archeological protection sites.

Plan, submittal to congressional committees.

Computer-generated data base, development.

(b) The Secretary shall, through the Division of Cultural Research of the Southwest Cultural Resources Center of the National Park Service, be responsible for the development of a computer-generated data base of the San Juan Basin, and make such information available to Federal and private groups when to do so will assist such groups in the preservation, management, and development of the resources of the basin.

(c) The head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking with respect to the lands and waters in the archeological protection sites, and the head of any Federal agency having authority to license or permit any undertaking with respect to such lands and waters, shall prior to the approval of the expenditure of any Federal funds on such undertaking, or prior to the issuance of any license or permit, as the case may be, afford the Secretary a reasonable opportunity to comment in writing with regard to such undertaking and its effect upon such sites, and shall give due consideration to any comments made by the Secretary and to the effect of such undertaking on the purposes for which such sites are established.

Appropriation authorization.
16 USC 410ii-7.

SEC. 508. Effective October 1, 1981, there are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title but not to exceed $11,000,000 for acquisition and $500,000 for development.

TITLE VI—SALINAS NATIONAL MONUMENT

Designation.
16 USC 431 note.

SEC. 601. (a) In order to set apart and preserve for the benefit and enjoyment of the American people the ruins of prehistoric Indian pueblos and associated seventeenth century Franciscan Spanish mission ruins, the Secretary is authorized to acquire by donation, or by purchase with donated or appropriated funds, or otherwise, not to exceed four hundred and sixty six acres of land in the State of New Mexico which, in addition to the lands now comprising Gran Quivira National Monument, shall be designated as the Salinas National Monument. The Secretary is further authorized to acquire, in or near the town of Mountainair, such additional lands as may be necessary for an administrative site for the monument.

Additional lands, acquisition.

Abolishment.
16 USC 431 note.

(b) Gran Quivira National Monument is hereby abolished as such, and any funds available for purposes of the monument shall be available for purposes of the Salinas National Monument.

Administration.

(c) The Secretary shall administer and protect the monument in accordance with the provisions of this section and the provisions of law generally applicable to the administration of units of the national park system, including the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4), and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-467). The Secretary is encouraged to transfer to the employment of the National Park Service such personnel associated with the administration of the State-owned lands as are interested in and qualified for such transfer, as such State lands are acquired by the Secretary.

Personnel transfer.

Appropriation authorization.

(d) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this section, but not to exceed $1,140,000 for acquisition and $500,000 for development.

Approved December 19, 1980.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 126 (1980):
Nov. 21, considered and passed House.
Dec. 1, considered and passed Senate.

Public Law 96-551
96th Congress

An Act

To grant the consent of the Congress to the Tahoe Regional Planning Compact, and to authorize the Secretary of Agriculture and others to cooperate with the planning agency thereby created.

Dec. 19, 1980
[H.R. 8235]

Tahoe Regional Planning Compact. Congressional consent.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to encourage the wise use and conservation of the waters of Lake Tahoe and of the resources of the area around said lake, the consent of the Congress is hereby given to the Tahoe Regional Planning Compact heretofore adopted by the States of California and Nevada, which compact reads as follows:

TAHOE REGIONAL PLANNING COMPACT

ARTICLE I.—FINDINGS AND DECLARATIONS OF POLICY

(a) It is found and declared that:

(1) The waters of Lake Tahoe and other resources of the region are threatened with deterioration or degeneration, which endangers the natural beauty and economic productivity of the region.

(2) The public and private interests and investments in the region are substantial.

(3) The region exhibits unique environmental and ecological values which are irreplaceable.

(4) By virtue of the special conditions and circumstances of the region's natural ecology, developmental pattern, population distribution and human needs, the region is experiencing problems of resource use and deficiencies of environmental control.

(5) Increasing urbanization is threatening the ecological values of the region and threatening the public opportunities for use of the public lands.

(6) Maintenance of the social and economic health of the region depends on maintaining the significant scenic, recreational, educational, scientific, natural and public health values provided by the Lake Tahoe Basin.

(7) There is a public interest in protecting, preserving and enhancing these values for the residents of the region and for visitors to the region.

(8) Responsibilities for providing recreational and scientific opportunities, preserving scenic and natural areas, and safeguarding the public who live, work and play in or visit the region are divided among local governments, regional agencies, the States of California and Nevada, and the Federal Government.

(9) In recognition of the public investment and multistate and national significance of the recreational values, the Federal Government has an interest in the acquisition of recreational property and the management of resources in the region to preserve environmental and recreational values, and the Federal

Government should assist the States in fulfilling their responsibilities.

(10) In order to preserve the scenic beauty and outdoor recreational opportunities of the region, there is a need to insure an equilibrium between the region's natural endowment and its manmade environment.

(b) In order to enhance the efficiency and governmental effectiveness of the region, it is imperative that there be established a Tahoe Regional Planning Agency with the powers conferred by this compact including the power to establish environmental threshold carrying capacities and to adopt and enforce a regional plan and implementing ordinances which will achieve and maintain such capacities while providing opportunities for orderly growth and development consistent with such capacities.

(c) The Tahoe Regional Planning Agency shall interpret and administer its plans, ordinances, rules and regulations in accordance with the provisions of this compact.

ARTICLE II.—DEFINITIONS

As used in this compact:

(a) "Region," includes Lake Tahoe, the adjacent parts of Douglas and Washoe Counties and Carson City, which for the purposes of this compact shall be deemed a county, lying within the Tahoe Basin in the State of Nevada, and the adjacent parts of the counties of Placer and El Dorado lying within the Tahoe Basin in the State of California, and that additional and adjacent part of the county of Placer outside of the Tahoe Basin in the State of California which lies southward and eastward of a line starting at the intersection of the basin crestline and the north boundary of section 1, thence west to the northwest corner of section 3, thence south to the intersection of the basin crestline and the west boundary of section 10; all sections referring to township 15 north, range 16 east, M.D.B. & M. The region defined and described herein shall be as precisely delineated on official maps of the agency.

(b) "Agency" means the Tahoe Regional Planning Agency.

(c) "Governing body" means the governing board of the Tahoe Regional Planning Agency.

(d) "Regional plan" means the long-term general plan for the development of the region.

(e) "Planning commission" means the advisory planning commission appointed pursuant to subdivision (h) of article III.

(f) "Gaming" means to deal, operate, carry on, conduct, maintain or expose for play any banking or percentage game played with cards, dice or any mechanical device or machine for money, property, checks, credit or any representative of value, including, without limiting the generality of the foregoing, faro, monte, roulette, keno, bingo, fantan, twenty-one, blackjack, seven-and-a-half, big injun, klondike, craps, stud poker, draw poker or slot machine, but does not include social games played solely for drinks, or cigars or cigarettes served individually, games played in private homes or residences for prizes or games operated by charitable or educational organizations, to the extent excluded by applicable State law.

(g) "Restricted gaming license" means a license to operate not more than 15 slot machines on which a quarterly fee is charged pursuant to NRS 463.373 and no other games.

(h) "Project" means an activity undertaken by any person, including any public agency, if the activity may substantially affect the land, water, air, space or any other natural resources of the region.

(i) "Environmental threshold carrying capacity" means an environmental standard necessary to maintain a significant scenic, recreational, educational, scientific or natural value of the region or to maintain public health and safety within the region. Such standards shall include but not be limited to standards for air quality, water quality, soil conservation, vegetation preservation and noise.

(j) "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

(k) "Areas open to public use" means all of the areas within a structure housing gaming under a nonrestricted license except areas devoted to the private use of guests.

(l) "Areas devoted to private use of guests" means hotel rooms and hallways to serve hotel room areas, and any parking areas. A hallway serves hotel room areas if more than 50 percent of the areas on each side of the hallway are hotel rooms.

(m) "Nonrestricted license" means a gaming license which is not a restricted gaming license.

ARTICLE III.—ORGANIZATION

Establishment.

(a) There is created the Tahoe Regional Planning Agency as a separate legal entity.

The governing body of the agency shall be constituted as follows:

California delegation, membership.

(1) California delegation:

(A) One member appointed by each of the county boards of supervisors of the counties of El Dorado and Placer and one member appointed by the city council of the city of South Lake Tahoe. Any such member may be a member of the county board of supervisors or city council, respectively, and shall reside in the territorial jurisdiction of the governmental body making the appointment.

(B) Two members appointed by the Governor of California, one member appointed by the speaker of the assembly of California and one member appointed by the senate rules committee of the State of California. The members appointed pursuant to this subparagraph shall not be residents of the region and shall represent the public at large within the State of California.

Nevada delegation, membership.

(2) Nevada delegation:

(A) One member appointed by each of the boards of county commissioners of Douglas and Washoe Counties and one member appointed by the board of supervisors of Carson City. Any such member may be a member of the board of county commissioners or board of supervisors, respectively, and shall reside in the territorial jurisdiction of the governmental body making the appointment.

(B) One member appointed by the Governor of Nevada, the secretary of State of Nevada or his designee, and the director of the State department of conservation and natural resources of Nevada or his designee. Except for the secretary of State and the director of the State department of conservation and natural resources, the members or designees appointed pursuant to this subparagraph shall not be residents of the region. All members appointed pursuant to this subparagraph shall represent the public at large within the State of Nevada.

(C) One member appointed for a 1-year term by the six other members of the Nevada delegation. If at least four members of the Nevada delegation are unable to agree upon the selection of a seventh member within 60 days after the effective date of the amendments to this compact or the occurrence of a vacancy on the governing body for that State the Governor of the State of Nevada shall make such an appointment. The member appointed pursuant to this subparagraph may, but is not required to, be a resident of the region within the State of Nevada.

(3) If any appointing authority under paragraph (1)(A), (1)(B), (2)(A) or (2)(B) fails to make such an appointment within 60 days after the effective date of the amendments to this compact or the occurrence of a vacancy on the governing body, the Governor of the State in which the appointing authority is located shall make the appointment. The term of any member so appointed shall be 1 year.

Term.

Vacancies.

(4) The position of any member of the governing body shall be deemed vacant if such a member is absent from three consecutive meetings of the governing body in any calendar year.

(5) Each member and employee of the agency shall disclose his economic interests in the region within 10 days after taking his seat on the governing board or being employed by the agency and shall thereafter disclose any further economic interest which he acquires, as soon as feasible after he acquires it. As used in this paragraph, "economic interests" means:

"Economic interests."

(A) Any business entity operating in the region in which the member or employee has a direct or indirect investment worth more than $1,000.

(B) Any real property located in the region in which the member or employee has a direct or indirect interest worth more than $1,000.

(C) Any source of income attributable to activities in the region, other than loans by or deposits with a commercial lending institution in the regular course of business, aggregating $250 or more in value received by or promised to the member within the preceding 12 months; or

(D) Any business entity operating in the region in which the member or employee is a director, officer, partner, trustee, employee or holds any position of management.

No member or employee of the agency shall make, or attempt to influence, an agency decision in which he knows or has reason to know he has an economic interest. Members and employees of the agency must disqualify themselves from making or participating in the making of the agency when it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the economic interests of the member or employee.

Expenses.

(b) The members of the agency shall serve without compensation, but the expenses of each member shall be met by the body which he represents in accordance with the law of that body. All other expenses incurred by the governing body in the course of exercising the powers conferred upon it by this compact unless met in some other manner specifically provided, shall be paid by the agency out of its own funds.

(c) Except for the secretary of State and director of the State department of conservation and natural resources of Nevada and the member appointed pursuant to subdivision (a)(2)(C), the members of the governing body serve at the pleasure of the appointing authority in each case, but each appointment shall be reviewed no less often than every 4 years. Members may be reappointed.

Monthly meetings.

(d) The governing body of the agency shall meet at least monthly. All meetings shall be open to the public to the extent required by the law of the State of California or the State of Nevada, whichever imposes the greater requirement, applicable to local governments at the time such meeting is held. The governing body shall fix a date for its regular monthly meeting in such terms as "the first Monday of each month," and shall not change such date more often than once in any calendar year. Notice of the date so fixed shall be given by publication at least once in a newspaper or combination of newspapers whose circulation is general throughout the region and in each county a portion of whose territory lies within the region. Notice of any special meeting, except an emergency meeting, shall be given by so publishing the date and place and posting an agenda at least 5 days prior to the meeting.

Vacancies.

(e) The position of a member of the governing body shall be considered vacated upon his loss of any of the qualifications required for his appointment and in such event the appointing authority shall appoint a successor.

Chairman and vice chairman, terms.

(f) The governing body shall elect from its own members a chairman and vice chairman, whose terms of office shall be 2 years, and who may be reelected. If a vacancy occurs in either office, the governing body may fill such vacancy for the unexpired term.

Voting procedures.

(g) Four of the members of the governing body from each State constitute a quorum for the transaction of the business of the agency. The voting procedures shall be as follows:

(1) For adopting, amending or repealing environmental threshold carrying capacities, the regional plan, and ordinances, rules and regulations, and for granting variances from the ordinances, rules and regulations, the vote of at least four of the members of each State agreeing with the vote of at least four members of the other State shall be required to take action. If there is no vote of at least four of the members from one State agreeing with the vote of at least four of the members of the other State on the actions specified in this paragraph, an action of rejection shall be deemed to have been taken.

(2) For approving a project, the affirmative vote of at least five members from the State in which the project is located and the affirmative vote of at least nine members of the governing body are required. If at least five members of the governing body from the State in which the project is located and at least nine members of the entire governing body do not vote in favor of the project, upon a motion for approval, an action of rejection shall be deemed to have been taken. A decision by the agency to approve a project shall be supported by a statement of findings, adopted by the agency, which indicates that the project complies with the regional plan and with applicable ordinances, rules and regulations of the agency.

(3) For routine business and for directing the agency's staff on litigation and enforcement actions, at least eight members of the governing body must agree to take action. If at least eight votes in favor of such action are not cast, an action of rejection shall be deemed to have been taken.

Whenever under the provisions of this compact or any ordinance, rule, regulation or policy adopted pursuant thereto, the agency is required to review or approve any project, public or private, the agency shall take final action by vote, whether to approve, to require modification or to reject such project, within 180 days after the application for such project is accepted as complete by the agency in compliance with the agency's rules and regulations governing such delivery unless the applicant has agreed to an extension of this time limit. If a final action by vote does not take place within 180 days, the applicant may bring an action in a court of competent jurisdiction to compel a vote unless he has agreed to an extension. This provision does not limit the right of any person to obtain judicial review of agency action under subdivision (h) of article VI. The vote of each member of the governing body shall be individually recorded. The governing body shall adopt its own rules, regulations and procedures.

Advisory planning commission.

(h) An advisory planning commission shall be appointed by the agency. The commission shall include: The chief planning officers of Placer County, El Dorado County, and the city of South Lake Tahoe in California and of Douglas County, Washoe County and Carson City in Nevada, the executive officer of the Lahontan Regional Water Quality Control Board of the State of California, the executive officer of the Air Resources Board of the State of California, the director of the State department of conservation and natural resources of the State of Nevada, the administrator of the division of environmental protection in the State department of conservation and natural resources of the State of Nevada, the administrator of the Lake Tahoe Management Unit of the United States Forest Service, and at least four lay members with an equal number from each State, at least half of whom shall be residents of the region. Any official member may designate an alternate.

Term.

The term of office of each lay member of the advisory planning commission shall be 2 years. Members may be reappointed.

Vacancies.

The position of each member of the advisory planning commission shall be considered vacated upon loss of any of the qualifications required for appointments, and in such an event the appointing authority shall appoint a successor.

Chairman and vice chairman, terms.

The advisory planning commission shall elect from its own members a chairman and a vice chairman, whose terms of office shall be 2 years and who may be reelected. If a vacancy occurs in either office, the advisory planning commission shall fill such vacancy for the unexpired term.

A majority of the members of the advisory planning commission constitutes a quorum for the transaction of the business of the commission. A majority vote of the quorum present shall be required to take action with respect to any matter.

(i) The agency shall establish and maintain an office within the region, and for this purpose the agency may rent or own property and equipment. Every plan, ordinance and other record of the agency which is of such nature as to constitute a public record under the law of either the State of California or the State of Nevada shall be open to inspection and copying during regular office hours.

(j) Each authority charged under this compact or by the law of either State with the duty of appointing a member of the governing body of the agency shall by certified copy of its resolution or other action notify the Secretary of State of its own State of the action taken.

ARTICLE IV.—PERSONNEL

(a) The governing body shall determine the qualification of, and it shall appoint and fix the salary of, the executive officer of the agency, and shall employ such other staff and legal counsel as may be necessary to execute the powers and functions provided for under this compact or in accordance with any intergovernmental contracts or agreements the agency may be responsible for administering.

(b) Agency personnel standards and regulations shall conform insofar as possible to the regulations and procedures of the civil service of the State of California or the State of Nevada, as may be determined by the governing body of the agency; and shall be regional and bistate in application and effect; provided that the governing body may, for administrative convenience and at its discretion, assign the administration of designated personnel arrangements to an agency of either State, and provided that administratively convenient adjustments be made in the standards and regulations governing personnel assigned under intergovernmental agreements.

(c) The agency may establish and maintain or participate in such additional programs of employee benefits as may be appropriate to afford employees of the agency terms and conditions of employment similar to those enjoyed by employees of California and Nevada generally.

ARTICLE V.—PLANNING

Hearing.

(1) In preparing each of the plans required by this article and each amendment thereto, if any, subsequent to its adoption, the planning commission after due notice shall hold at least one public hearing which may be continued from time to time, and shall review the testimony and any written recommendations presented at such hearing before recommending the plan or amendment. The notice required by this subdivision shall be given at least 20 days prior to the public hearing by publication at least once in a newspaper or combination of newspapers whose circulation is general throughout the region and in each county a portion of whose territory lies within the region.

The planning commission shall then recommend such plan or amendment to the governing body for adoption by ordinance. The governing body may adopt, modify or reject the proposed plan or amendment, or may initiate and adopt a plan or amendment without referring it to the planning commission. If the governing body initiates or substantially modifies a plan or amendment, it shall hold at least one public hearing thereon after due notice as required in this subdivision.

If a request is made for the amendment of the regional plan by:

(1) A political subdivision a part of whose territory would be affected by such amendment; or

(2) The owner or lessee of real property which would be affected by such amendment,

the governing body shall complete its action on such amendment within 180 days after such request is accepted as complete according to standards which must be prescribed by ordinance of the agency.

Environmental threshold carrying capacities.

(b) The agency shall develop, in cooperation with the States of California and Nevada, environmental threshold carrying capacities for the region. The agency should request the President's Council on Environmental Quality, the U.S. Forest Service and other appropriate agencies to assist in developing such environmental threshold carrying capacities. Within 18 months after the effective date of the amendments to this compact, the agency shall adopt environmental threshold carrying capacities for the region.

Regional plan.

(c) Within 1 year after the adoption of the environmental threshold carrying capacities for the region, the agency shall amend the regional plan so that, at a minimum, the plan and all of its elements, as implemented through agency ordinances, rules and regulations, achieves and maintains the adopted environmental threshold carrying capacities. Each element of the plan shall contain implementation provisions and time schedules for such implementation by ordinance. The planning commission and governing body shall continuously review and maintain the regional plan. The regional plan shall consist of a diagram, or diagrams, and text, or texts setting forth the projects and proposals for implementation of the regional plan, a description of the needs and goals of the region and a statement of the policies, standards and elements of the regional plan.

The regional plan shall be a single enforceable plan and includes all of the following correlated elements:

Land-use.

(1) A land-use plan for the integrated arrangement and general location and extent of, and the criteria and standards for, the uses of land, water, air, space and other natural resources within the region, including but not limited to an indication or allocation of maximum population densities and permitted uses.

Transportation.

(2) A transportation plan for the integrated development of a regional system of transportation, including but not limited to parkways, highways, transportation facilities, transit routes, waterways, navigation facilities, public transportation facilities, bicycle facilities, and appurtenant terminals and facilities for the movement of people and goods within the region. The goal of transportation planning shall be:

(A) To reduce dependency on the automobile by making more effective use of existing transportation modes and of public transit to move people and goods within the region; and

(B) To reduce to the extent feasible air pollution which is caused by motor vehicles.

Where increases in capacity are required, the agency shall give preference to providing such capacity through public transportation and public programs and projects related to transportation. The agency shall review and consider all existing transportation plans in preparing its regional transportation plan pursuant to this paragraph.

The plan shall provide for an appropriate transit system for the region.

The plan shall give consideration to:

(A) Completion of the Loop Road in the States of Nevada and California;

(B) Utilization of a light rail mass transit system in the South Shore area; and

(C) Utilization of a transit terminal in the Kingsbury Grade area.

Until the regional plan is revised, or a new transportation plan is adopted in accordance with this paragraph, the agency has no effective transportation plan.

Conservation.

(3) A conservation plan for the preservation, development, utilization, and management of the scenic and other natural resources within the basin, including but not limited to, soils, shoreline and submerged lands, scenic corridors along transportation routes, open spaces, recreational and historical facilities.

(4) A recreation plan for the development, utilization, and management of the recreational resources of the region, including but not limited to, wilderness and forested lands, parks and parkways, riding and hiking trails, beaches and playgrounds, marinas, areas for skiing and other recreational facilities.

Recreation.

(5) A public services and facilities plan for the general location, scale and provision of public services and facilities, which, by the nature of their function, size, extent and other characteristics are necessary or appropriate for inclusion in the regional plan.

Public services and facilities.

In formulating and maintaining the regional plan, the planning commission and governing body shall take account of and shall seek to harmonize the needs of the region as a whole, the plans of the counties and cities within the region, the plans and planning activities of the State, Federal and other public agencies and nongovernmental agencies and organizations which affect or are concerned with planning and development within the region.

(d) The regional plan shall provide for attaining and maintaining Federal, State, or local air and water quality standards, whichever are strictest, in the respective portions of the region for which the standards are applicable.

The agency may, however, adopt air or water quality standards or control measures more stringent than the applicable State implementation plan or the applicable Federal, State, or local standards for the region, if it finds that such additional standards or control measures are necessary to achieve the purposes of this compact. Each element of the regional plan, where applicable, shall, by ordinance, identify the means and time schedule by which air and water quality standards will be attained.

(e) Except for the Regional Transportation Plan of the California Tahoe Regional Planning Agency, the regional plan, ordinances, rules and regulations adopted by the California Tahoe Regional Planning Agency in effect on July 1, 1980, shall be the regional plan, ordinances, rules and regulations of the Tahoe Regional Planning Agency for that portion of the Tahoe region located in the State of California. Such plan, ordinance, rule or regulation may be amended or repealed by the governing body of the agency. The plans, ordinances, rules and regulations of the Tahoe Regional Planning Agency that do not conflict with, or are not addressed by, the California Tahoe Regional Planning Agency's plans, ordinances, rules and regulations referred to in this subdivision shall continue to be applicable unless amended or repealed by the governing body of the agency. No provision of the regional plan, ordinances, rules and regulations of the California Tahoe Regional Planning Agency referred to in this subdivision shall apply to that portion of the region within the State of Nevada, unless such provision is adopted for the Nevada portion of the region by the governing body of the agency.

(f) The regional plan, ordinances, rules and regulations of the Tahoe Regional Planning Agency apply to that portion of the region within the State of Nevada.

(g) The agency shall adopt ordinances prescribing specific written findings that the agency must make prior to approving any project in the region. These findings shall relate to environmental protection and shall insure that the project under review will not adversely affect implementation of the regional plan and will not cause the adopted environmental threshold carrying capacities of the region to be exceeded.

(h) The agency shall maintain the data, maps and other information developed in the course of formulating and administering the regional plan, in a form suitable to assure a consistent view of developmental trends and other relevant information for the availability of and use by other agencies of government and by private organizations and individuals concerned.

(i) Where necessary for the realization of the regional plan, the agency may engage in collaborative planning with local governmental jurisdictions located outside the region, but contiguous to its boundaries. In formulating and implementing the regional plan, the agency shall seek the cooperation and consider the recommendations of counties and cities and other agencies of local government, of State and Federal agencies, of educational institutions and research organizations, whether public or private, and of civic groups and private persons.

ARTICLE VI.—AGENCY'S POWERS

(a) The governing body shall adopt all necessary ordinances, rules, and regulations to effectuate the adopted regional plan. Except as otherwise provided in this compact, every such ordinance, rule or regulation shall establish a minimum standard applicable throughout the region. Any political subdivision or public agency may adopt and enforce an equal or higher requirement applicable to the same subject of regulation in its territory. The regulations of the agency shall contain standards including but not limited to the following: Water purity and clarity; subdivision; zoning; tree removal; solid waste disposal; sewage disposal; land fills, excavations, cuts and grading; piers, harbors, breakwaters or channels and other shoreline developments; waste disposal in shoreline areas; waste disposal from boats; mobile-home parks; house relocation; outdoor advertising; flood plain protection; soil and sedimentation control; air pollution; and watershed protection. Whenever possible without diminishing the effectiveness of the regional plan, the ordinances, rules, regulations and policies shall be confined to matters which are general and regional in application, leaving to the jurisdiction of the respective States, counties and cities the enactment of specific and local ordinances, rules, regulations and policies which conform to the regional plan.

The agency shall prescribe by ordinance those activities which it has determined will not have substantial effect on the land, water, air, space or any other natural resources in the region and therefore will be exempt from its review and approval.

Every ordinance adopted by the agency shall be published at least once by title in a newspaper or combination of newspapers whose circulation is general throughout the region. Except an ordinance adopting or amending the regional plan, no ordinance shall become effective until 60 days after its adoption. Immediately after its adoption, a copy of each ordinance shall be transmitted to the governing body of each political subdivision having territory within the region.

Projects, development.

(b) No project other than those to be reviewed and approved under the special provisions of subdivisions (d), (e), (f) and (g) may be developed in the region without obtaining the review and approval of the agency and no project may be approved unless it is found to comply with the regional plan and with the ordinances, rules and regulations enacted pursuant to subdivision (a) to effectuate that plan. The agency may approve a project in the region only after making the written findings required by this subdivision or subdivision (g) of article V. Such findings shall be based on substantial evidence in the record.

Before adoption by the agency of the ordinances required in subdivision (g) of article V, the agency may approve a project in the region only after making written findings on the basis of substantial evidence in the record that the project is consistent with the regional plan then in effect and with applicable plans, ordinances, regulations, and standards of Federal and State agencies relating to the protection, maintenance and enhancement of environmental quality in the region.

Developmental work, temporary halt.

(c) The legislatures of the States of California and Nevada find that in order to make effective the regional plan as revised by the agency, it is necessary to halt temporarily works of development in the region which might otherwise absorb the entire capability of the region for further development or direct it out of harmony with the ultimate plan. Subject to the limitation provided in this subdivision, from the effective date of the amendments to this compact until the regional plan is amended pursuant to subdivision (c) of article V, or until May 1, 1983, whichever is earlier:

(1) Except as otherwise provided in this paragraph, no new subdivision, planned unit development, or condominium project may be approved unless a complete tentative map or plan has been approved before the effective date of the amendments to this compact by all agencies having jurisdiction. The subdivision of land owned by a general improvement district, which existed and owned the land before the effective date of the amendments to this compact, may be approved if subdivision of the land is necessary to avoid insolvency of the district.

(2) Except as provided in paragraph (3), no apartment building may be erected unless the required permits for such building have been secured from all agencies having jurisdiction, prior to the effective date of the amendments to this compact.

(3) During each of the calendar years 1980, 1981 and 1982, no city or county may issue building permits which authorize the construction of a greater number of new residential units within the region than were authorized within the region by building permits issued by that city or county during the calendar year 1978. For the period of January through April, 1983, building permits authorizing the construction of no more than one-third of that number may be issued by each such city or county. For purposes of this paragraph a "residential unit" means either a single family residence or an individual residential unit within a larger building, such as an apartment building, a duplex or a condominium.

Residential units, 1978.

The legislatures find the respective numbers of residential units authorized within the region during the calendar year 1978 to be as follows:

1. City of South Lake Tahoe and El Dorado County (combined)	252
2. Placer County	278
3. Carson City	0
4. Douglas County	339
5. Washoe County	739

(4) During each of the calendar years 1980, 1981 and 1982, no city or county may issue building permits which authorize construction of a greater square footage of new commercial buildings within the region than were authorized within the region by building permits for commercial purposes issued by that city or county during the calendar year 1978. For the period of January through April, 1983, building permits authorizing the

construction of no more than one-third the amount of that square footage may be issued by each such city or county.

Commercial buildings, 1978.

The legislatures find the respective square footages of commercial buildings authorized within the region during calendar year 1978 to be as follows:

1. City of South Lake Tahoe and El Dorado County (combined)	64,324
2. Placer County	23,000
3. Carson City	0
4. Douglas County	57,354
5. Washoe County	50,600

(5) No structure may be erected to house gaming under a nonrestricted license.

(6) No facility for the treatment of sewage may be constructed or enlarged except:

(A) To comply, as ordered by the appropriate State agency for the control of water pollution, with existing limitations of effluent under the Clean Water Act, 33 U.S.C. §1251 et seq., and the applicable State law for control of water pollution;

(B) To accommodate development which is not prohibited or limited by this subdivision; or

(C) In the case of Douglas County Sewer District #1, to modify or otherwise alter sewage treatment facilities existing on the effective date of the amendments to this compact so that such facilities will be able to treat the total volume of effluent for which they were originally designed, which is 3.0 million gallons per day. Such modification or alteration is not a "project"; is not subject to the requirements of article VII; and does not require a permit from the agency. Before commencing such modification or alteration, however, the district shall submit to the agency its report identifying any significant soil erosion problems which may be caused by such modifications or alterations and the measures which the district proposes to take to mitigate or avoid such problems.

Highway construction.

The moratorium imposed by this subdivision does not apply to work done pursuant to a right vested before the effective date of the amendments to this compact. Notwithstanding the expiration date of the moratorium imposed by this subdivision, no new highway may be built or existing highway widened to accommodate additional continuous lanes for automobiles until the regional transportation plan is revised and adopted.

Parking garage, construction.

The moratorium imposed by this subdivision does not apply to the construction of any parking garage which has been approved by the agency prior to May 4, 1979, whether that approval was affirmative or by default. The provisions of this paragraph are not an expression of legislative intent that any such parking garage, the approval of which is the subject of litigation which was pending on the effective date of the amendments to this compact, should or should not be constructed. The provisions of this paragraph are intended solely to permit construction of such a parking garage if a judgment sustaining the agency's approval to construct that parking garage has become final and no appeal is pending or may lawfully be taken to a higher court.

Litigation.

(d) Subject to the final order of any court of competent jurisdiction entered in litigation contesting the validity of an approval by the Tahoe Regional Planning Agency, whether that approval was affirmative or by default, if that litigation was pending on May 4, 1979, the agency and the States of California and Nevada shall recognize as a permitted and conforming use:

(1) Every structure housing gaming under a nonrestricted license which existed as a licensed gaming establishment on May 4, 1979, or whose construction was approved by the Tahoe Regional Planning Agency affirmatively or deemed approved before that date. The construction or use of any structure to house gaming under a nonrestricted license not so existing or approved, or the enlargement in cubic volume of any such existing or approved structure is prohibited.

(2) Every other nonrestricted gaming establishment whose use was seasonal and whose license was issued before May 4, 1979, for the same season and for the number and type of games and slot machines on which taxes or fees were paid in the calendar year 1978.

(3) Gaming conducted pursuant to a restricted gaming license issued before May 4, 1979, to the extent permitted by that license on that date.

The area within any structure housing gaming under a nonrestricted license which may be open to public use (as distinct from that devoted to the private use of guests and exclusive of any parking area) is limited to the area existing or approved for public use on May 4, 1979. Within these limits, any external modification of the structure which requires a permit from a local government also requires approval from the agency. The agency shall not permit restaurants, convention facilities, showrooms or other public areas to be constructed elsewhere in the region outside the structure in order to replace areas existing or approved for public use on May 4, 1979.

(e) Any structure housing licensed gaming may be rebuilt or replaced to a size not to exceed the cubic volume, height and land coverage existing or approved on May 4, 1979, without the review or approval of the agency or any planning or regulatory authority of the State of Nevada whose review or approval would be required for a new structure.

Structure housing gaming, modification.

(f) The following provisions apply to any internal or external modification, remodeling, change in use, or repair of a structure housing gaming under a nonrestricted license which is not prohibited by article VI(d):

(1) The agency's review of an external modification of the structure which requires a permit from a local government is limited to determining whether the external modification will do any of the following:

(A) Enlarge the cubic volume of the structure;

(B) Increase the total square footage of area open to one approved for public use on May 4, 1979;

(C) Convert an area devoted to the private use of guests to an area open to public use;

(D) Increase the public area open to public use which is used for gaming beyond the limits contained in paragraph (3); and

(E) Conflict with or be subject to the provisions of any of the agency's ordinances that are generally applicable throughout the region.

The agency shall make this determination within 60 days after the proposal is delivered to the agency in compliance with the agency's rules or regulations governing such delivery unless the applicant has agreed to an extension of this time limit. If an external modification is determined to have any of the effects enumerated in subparagraphs (A) through (C), it is prohibited. If an external modification is determined to have any of the effects enumerated in subparagraph (D) or (E), it is subject to the applicable provisions of this compact. If an external modification is determined to have no such effect, it is not subject to the provisions of this compact.

(2) Except as provided in paragraph (3), internal modification, remodeling, change in use or repair of a structure housing gaming under a nonrestricted license is not a project and does not require the review or approval of the agency.

Base area.

(3) Internal modification, remodeling, change in use or repair of areas open to public use within a structure housing gaming under a nonrestricted license which alone or in combination with any other such modification, remodeling, change in use or repair will increase the total portion of those areas which is actually used for gaming by more than the product of the total base area, as defined below, in square feet existing on or approved before August 4, 1980, multiplied by 15 percent constitutes a project and is subject to all of the provisions of this compact relating to projects. For purposes of this paragraph and the determination required by article VI(g), base area means all of the area within a structure housing gaming under a nonrestricted license which may be open to public use, whether or not gaming is actually conducted or carried on in that area, except retail stores, convention centers and meeting rooms, administrative offices, kitchens, maintenance and storage areas, rest rooms, engineering and mechanical rooms, accounting rooms and counting rooms.

Enforcement provisions.

(g) In order to administer and enforce the provisions of paragraphs (d), (e) and (f), the State of Nevada, through its appropriate planning or regulatory agency, shall require the owner or licensee of a structure housing gaming under a nonrestricted license to provide:

(1) Documents containing sufficient information for the Nevada agency to establish the following relative to the structure:

(A) The location of its external walls;

(B) Its total cubic volume;

(C) Within its external walls, the area in square feet open or approved for public use and the area in square feet devoted to or approved for the private use of guests on May 4, 1979;

(D) The amount of surface area of land under the structure; and

(E) The base area as defined in paragraph (f)(3) in square feet existing on or approved before August 4, 1980.

(2) An informational report whenever any internal modification, remodeling, change in use, or repair will increase the total portion of the areas open to public use which is used for gaming.

The Nevada agency shall transmit this information to the Tahoe Regional Planning Agency.

(h) Gaming conducted pursuant to a restricted gaming license is exempt from review by the agency if it is incidental to the primary use of the premises.

(i) The provisions of subdivisions (d) and (e) are intended only to limit gaming and related activities as conducted within a gaming establishment, or construction designed to permit the enlargement of such activities, and not to limit any other use of property zoned for commercial use or the accommodation of tourists, as approved by the agency.

Violations.

(j) Legal actions arising out of or alleging a violation of the provisions of this compact, of the regional plan or of an ordinance or regulation of the agency or of a permit or a condition of a permit issued by the agency are governed by the following provisions:

(1) This subdivision applies to:

(A) Actions arising out of activities directly undertaken by the agency.

(B) Actions arising out of the issuance to a person of a lease, permit, license or other entitlement for use by the agency.

(C) Actions arising out of any other act or failure to act by any person or public agency.

Such legal actions may be filed and the provisions of this subdivision apply equally in the appropriate courts of California and Nevada and of the United States.

(2) Venue lies:

(A) If a civil or criminal action challenges an activity by the agency or any person which is undertaken or to be undertaken upon a parcel of real property, in the State or Federal judicial district where the real property is situated.

(B) If an action challenges an activity which does not involve a specific parcel of land (such as an action challenging an ordinance of the agency), in any State or Federal court having jurisdiction within the region.

"Aggrieved person."

(3) Any aggrieved person may file an action in an appropriate court of the States of California or Nevada or of the United States alleging noncompliance with the provisions of this compact or with an ordinance or regulation of the agency. In the case of governmental agencies, "aggrieved person" means the Tahoe Regional Planning Agency or any State, Federal or local agency. In the case of any person other than a governmental agency who challenges an action of the Tahoe Regional Planning Agency, "aggrieved person" means any person who has appeared, either in person, through an authorized representative, or in writing, before the agency at an appropriate administrative hearing to register objection to the action which is being challenged, or who had good cause for not making such an appearance.

(4) A legal action arising out of the adoption or amendment of the regional plan or of any ordinance or regulation of the agency, or out of the granting or denial of any permit, shall be commenced within 60 days after final action by the agency. All other legal actions shall be commenced within 65 days after discovery of the cause of action.

(5) In any legal action filed pursuant to this subdivision which challenges an adjudicatory act or decision of the agency to approve or disapprove a project, the scope of judicial inquiry shall extend only to whether there was prejudicial abuse of discretion. Prejudicial abuse of discretion is established if the agency has not proceeded in a manner required by law or if the act or decision of the agency was not supported by substantial evidence in light of the whole record. In making such a determination the court shall not exercise its independent judgment on evidence but shall only determine whether the act or decision was supported by substantial evidence in light of the whole record. In any legal action filed pursuant to this subdivision which challenges a legislative act or decision of the agency (such as the adoption of the regional plan and the enactment of implementing ordinances), the scope of the judicial inquiry shall

extend only to the questions of whether the act or decision has been arbitrary, capricious or lacking substantial evidentiary support or whether the agency has failed to proceed in a manner required by law.

(6) The provisions of this subdivision do not apply to any legal proceeding pending on the date when this subdivision becomes effective. Any such legal proceeding shall be conducted and concluded under the provisions of law which were applicable prior to the effective date of this subdivision.

(7) The security required for the issuance of a temporary restraining order or preliminary injunction based upon an alleged violation of this compact or any ordinance, plan, rule or regulation adopted pursuant thereto is governed by the rule or statute applicable to the court in which the action is brought, unless the action is brought by a public agency or political subdivision to enforce its own rules, regulations and ordinances in which case no security shall be required.

Compliance.

(k) The agency shall monitor activities in the region and may bring enforcement actions in the region to insure compliance with the regional plan and adopted ordinances, rules, regulations and policies. If it is found that the regional plan, or ordinances, rules, regulations and policies are not being enforced by a local jurisdiction, the agency may bring action in a court of competent jurisdiction to insure compliance.

Penalties.

(l) Any person who violates any provision of this compact or of any ordinance or regulation of the agency or of any condition of approval imposed by the agency is subject to a civil penalty not to exceed $5,000. Any such person is subject to an additional civil penalty not to exceed $5,000 per day, for each day on which such a violation persists. In imposing the penalties authorized by this subdivision, the court shall consider the nature of the violation and shall impose a greater penalty if it was willful or resulted from gross negligence than if it resulted from inadvertence or simple negligence.

Contracts and agreements.

(m) The agency is hereby empowered to initiate, negotiate and participate in contracts and agreements among the local governmental authorities of the region, or any other intergovernmental contracts or agreements authorized by State or Federal law.

(n) Each intergovernmental contract or agreement shall provide for its own funding and staffing, but this shall not preclude financial contributions from the local authorities concerned or from supplementary sources.

Records.

(o) Every record of the agency, whether public or not, shall be open for examination to the legislature and controller of the State of California and the legislative auditor of the State of Nevada.

Project expiration.

(p) Approval by the agency of any project expires 3 years after the date of final action by the agency or the effective date of the amendments to this compact, whichever is late, unless construction is begun within that time and diligently pursued thereafter, or the use or activity has commenced. In computing the 3-year period any period of time during which the project is the subject of a legal action which delays or renders impossible the diligent pursuit of that project shall not be counted. Any license, permit or certificate issued by the agency which has an expiration date shall be extended by that period of time during which the project is the subject of such legal action as provided in this subdivision.

Real property list.

(q) The governing body shall maintain a current list of real property known to be available for exchange with the United States or with other owners of real property in order to facilitate exchanges of real property by owners of real property in the region.

ARTICLE VII.—ENVIRONMENTAL IMPACT STATEMENTS

(a) The Tahoe Regional Planning Agency when acting upon matters that have a significant effect on the environment shall:

(1) Utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on man's environment;

(2) Prepare and consider a detailed environmental impact statement before deciding to approve or carry out any project. The detailed environmental impact statement shall include the following:

(A) The significant environmental impacts of the proposed project;

(B) Any significant adverse environmental effects which cannot be avoided should the project be implemented;

(C) Alternatives to the proposed project;

(D) Mitigation measures which must be implemented to assure meeting standards of the region;

(E) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity;

(F) Any significant irreversible and irretrievable commitments of resources which would be involved in the proposed project should it be implemented; and

(G) The growth-inducing impact of the proposed project;

(3) Study, develop and describe appropriate alternatives to recommended courses of action for any project which involves unresolved conflicts concerning alternative uses of available resources;

(4) Make available to States, counties, municipalities, institutions and individuals, advice and information useful in restoring, maintaining and enhancing the quality of the region's environment; and

(5) Initiate and utilize ecological information in the planning and development of resource-oriented projects.

(b) Prior to completing an environmental impact statement, the agency shall consult with and obtain the comments of any Federal, State or local agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State and local agencies which are authorized to develop and enforce environmental standards shall be made available to the public and shall accompany the project through the review processes. The public shall be consulted during the environmental impact statement process and views shall be solicited during a public comment period not to be less than 60 days.

Public comments.

Information, repetition.

(c) Any environmental impact statement required pursuant to this article need not repeat in its entirety any information or data which is relevant to such a statement and is a matter of public record or is generally available to the public, such as information contained in an environmental impact report prepared pursuant to the California Environmental Quality Act or a Federal environmental impact statement prepared pursuant to the National Environmental Policy Act of 1969. However, such information or data shall be briefly described in

42 USC 4321 note.

the environmental impact statement and its relationship to the environmental impact statement shall be indicated.

In addition, any person may submit information relative to a proposed project which may be included, in whole or in part, in any environmental impact statement required by this article.

Written findings.

(d) In addition to the written findings specified by agency ordinance to implement the regional plan, the agency shall make either of the following written findings before approving a project for which an environmental impact statement was prepared:

(1) Changes or alterations have been required in or incorporated into such project which avoid or reduce the significant adverse environmental effects to a less than significant level; or

(2) Specific considerations, such as economic, social or technical, make infeasible the mitigation measures or project alternatives discussed in the environmental impact statement on the project.

A separate written finding shall be made for each significant effect identified in the environmental impact statement on the project. All written findings must be supported by substantial evidence in the record.

Fees.

(e) The agency may charge and collect a reasonable fee from any person proposing a project subject to the provisions of this compact in order to recover the estimated costs incurred by the agency in preparing an environmental impact statement under this article.

Exemptions.

(f) The agency shall adopt by ordinance a list of classes of projects which the agency has determined will not have a significant effect on the environment and therefore will be exempt from the requirement for the preparation of an environmental impact statement under this article. Prior to adopting the list, the agency shall make a written finding supported by substantial evidence in the record that each class of projects will not have a significant effect on the environment.

ARTICLE VIII.—FINANCES

(a) On or before September 30 of each calendar year the agency shall establish the amount of money necessary to support its activities for the next succeeding fiscal year commencing July 1 of the following year. The agency shall apportion $75,000 of this amount among the counties within the region on the same ratio to the total sum required as the full cash valuation of taxable property within the region in each county bears to the total full cash valuation of taxable property within the region. In addition, each county within the region in California shall pay $18,750 to the agency and each county within the region in Nevada, including Carson City, shall pay $12,500 to the agency, from any funds available therefor. The State of California and the State of Nevada may pay to the agency by July 1 of each year any additional sums necessary to support the operations of the agency pursuant to this compact. If additional funds are required, the agency shall make a request for the funds to the States of California and Nevada. Requests for State funds must be apportioned two-thirds from California and one-third from Nevada. Money appropriated shall be paid within 30 days.

Fees.

(b) The agency may fix and collect reasonable fees for any services rendered by it.

Budget.

(c) The agency shall submit an itemized budget to the States for review with any request for State funds, shall be strictly accountable to any county in the region and the States for all funds paid by them to the agency and shall be strictly accountable to all participating bodies for all receipts and disbursement.

Gifts.

(d) The agency is authorized to receive gifts, donations, subventions, grants, and other financial aids and funds; but the agency may not own land except as provided in subdivision (i) of article III.

Obligations.

(e) The agency shall not obligate itself beyond the moneys due under this article for its support from the several counties and the States for the current fiscal year, plus any moneys on hand or irrevocably pledged to its support from other sources. No obligation contracted by the agency shall bind either of the party States or any political subdivision thereof.

ARTICLE IX.—TRANSPORTATION DISTRICT

Establishment.

(a) The Tahoe transportation district is hereby established as a special purpose district. The boundaries of the district are coterminous with those of the region.

Board of directors.

(b) The business of the district shall be managed by a board of directors consisting of:

(1) One member of the county board of supervisors of each of the counties of El Dorado and Placer;

(2) One member of the city council of the city of South Lake Tahoe;

(3) One member each of the board of county commissioners of Douglas County and of Washoe County;

(4) One member of the board of supervisors of Carson City;

(5) The director of the California Department of Transportation; and

(6) The director of the department of transportation of the State of Nevada.

Any director may designate an alternate.

Voting.

(c) The vote of at least five of the directors must agree to take action. If at least five votes in favor of an action are not cast, an action of rejection shall be deemed to have been taken.

Powers.

(d) The Tahoe transportation district may in accordance with the adopted transportation plan:

(1) Own and operate a public transportation system to the exclusion of all other publicly owned transportation systems in the region.

(2) Acquire upon mutually agreeable terms any public transportation system or facility owned by a county, city or special purpose district within the region.

(3) Hire the employees of existing public transportation systems that are acquired by the district without loss of benefits to the employees, bargain collectively with employee organizations, and extend pension and other collateral benefits to employees.

(4) Fix the rates and charges for transit services provided pursuant to this subdivision.

(5) Issue revenue bonds and other evidence of indebtedness.

(6) By resolution, determine and propose for adoption a tax for the purpose of obtaining services of the district. The tax proposed must be general and of uniform operation throughout the region, and may not be graduated in any way. The district is prohibited from imposing an ad valorem tax, a tax measured by gross or net receipts on business, a tax or charge that is assessed against people or vehicles as they enter or leave the region, and any tax, direct or indirect, on gaming tables and devices.

Any such proposition must be submitted to the voters of the district and shall become effective upon approval of two-thirds of the voters voting on the proposition. The revenues from any such tax must be used for the service for which it was imposed, and for no other purpose.

(7) Provide service from inside the region to convenient airport, railroad and interstate bus terminals without regard to the boundaries of the region.

Amendment.

(e) The legislatures of the States of California and Nevada may, by substantively identical enactments, amend this article.

ARTICLE X.—MISCELLANEOUS

(a) It is intended that the provisions of this compact shall be reasonably and liberally construed to effectuate the purposes thereof. Except as provided in subdivision (c), the provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating State or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any State participating therein, the compact shall remain in full force and effect as to the remaining State and in full force and effect as to the State affected as to all severable matters.

(b) The agency shall have such additional powers and duties as may hereafter be delegated or imposed upon it from time to time by the action of the legislature of either State concurred in by the legislature of the other.

Withdrawal.

(c) A State party to this compact may withdraw therefrom by enacting a statute repealing the compact. Notice of withdrawal shall be communicated officially and in writing to the Governor of the other State and to the agency administrators. This provision is not severable, and if it is held to be unconstitutional or invalid, no other provision of this compact shall be binding upon the State of Nevada or the State of California.

Interstate waters.

(d) No provision of this compact shall have any effect upon the allocation, distribution or storage or interstate waters or upon any appropriative water right.

Inter-agency cooperation.

SEC. 2. The Secretary of Agriculture and the heads of other appropriate agencies are authorized, upon the request of the Tahoe Regional Planning Agency, to cooperate with the Tahoe Regional Planning Agency in all respects compatible with carrying out the normal duties of their agencies.

U.S. representative.

SEC. 3. The consent to the compact by the United States is subject to the condition that the President may appoint a nonvoting representative of the United States to the governing body of the Tahoe Regional Planning Agency.

SEC. 4. Any additional powers conferred on the agency pursuant to article X, section 1(b) of the compact shall not be exercised unless consented to by the Congress.

SEC. 5. Nothing contained in this Act or in the compact consented to shall in any way affect the powers, rights, or obligations of the United States, or the applicability of any law or regulation of the United States in, over or to the region or waters which are the subject of the compact, or in any way affect rights owned or held by or for Indians or Indian tribes subject to the jurisdiction of the United States.

SEC. 6. The right is hereby reserved by the Congress or any of its standing committees to require the disclosure and furnishing of such information and data by or concerning the Tahoe Regional Planning Agency as is deemed appropriate by the Congress or such committee.

Disclosure.

SEC. 7. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved December 19, 1980.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 126 (1980):
Dec. 1, considered and passed House.
Dec. 3, considered and passed Senate.

Public Law 96-552
96th Congress

An Act

Dec. 19, 1980
[H.R. 3351]

To amend chapter 55 of title 10, United States Code, to authorize dependents of members of the uniformed services serving on active duty to use CHAMPUS inpatient cost-sharing rates for certain surgery performed on an outpatient basis.

CHAMPUS.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1079(b) of title 10, United States Code, relating to contracts for medical care for spouses and children of members of the uniformed services, is amended by adding at the end thereof the following new clause:

> "(4) $25 for surgical care that is authorized by subsection (a) and received while in an outpatient status and that has been designated (under joint regulations to be prescribed by the Secretary of Defense and the Secretary of Health, Education, and Welfare) as care to be treated as inpatient care for purposes of this subsection. Any care for which payment is made under this clause shall not be considered to be care received while in an outpatient status for purposes of clauses (2) and (3).".

Approved December 19, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1127 (Comm. on Armed Services).
SENATE REPORT No. 96-1049 (Comm. on Armed Services).
CONGRESSIONAL RECORD, Vol. 126 (1980):
Aug. 26, considered and passed House.
Dec. 4, considered and passed Senate.

Public Law 96-553
96th Congress

An Act

To revise the boundary of Crater Lake National Park in the State of Oregon, and for other purposes.

Dec. 19, 1980
[S. 2318]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first section of the Act entitled, "An Act reserving from the public lands in the State of Oregon, as a public park for the benefit of the people of the United States, and for the protection and preservation of the game, fish, timber, and all other natural objects therein, a tract of land herein described, and so forth", approved May 22, 1902 (32 Stat. 202), is amended to read as follows:

Crater Lake National Park, Oreg., boundary revision.

16 USC 121.

"That in order to preserve for the benefit, education, and inspiration of the people of the United States certain unique and ancient volcanic features, including Crater Lake, together with significant forest and fish and wildlife resources, there is hereby established the Crater Lake National Park in the State of Oregon. The boundary of the park shall encompass the lands, waters, and interests therein within the area generally depicted on the map entitled, 'Crater Lake National Park, Oregon', numbered 106-80,001, and dated February 1980, which shall be on file and available for public inspection in the office of the National Park Service, Department of the Interior. Lands, waters, and interests therein within the boundary of the park which were within the boundary of any national forest are excluded from such national forest and the boundary of such national forest is revised accordingly.".

(b) The Act entitled "An Act to add certain land to the Crater Lake National Park in the State of Oregon, and for other purposes", approved May 14, 1932 (47 Stat. 155), is repealed.

Repeal.
16 USC 121a.

SEC. 2. To make possible more effective protection of the Alpine Lakes Wilderness and more comprehensive and effective management of the management unit within the Alpine Lakes Area, established by the Alpine Lakes Area Management Act of 1976, the Secretary of Agriculture is authorized to acquire any or all of the following described lands in the State of Washington: in township 23 north, range 9 east, Willamette meridian, the southeast quarter of

16 USC 1132 note.

section 24. Such lands may be acquired by donation or exchange for national forest lands or other lands administered by the Forest Service in the same State having a value approximately equal to the value of the lands so acquired, as determined by the Secretary of Agriculture: *Provided,* That the Secretary may accept cash or pay cash to the grantor in such an exchange in order to equalize minor differences in the values of the properties exchanged. Any lands acquired pursuant to this section shall, upon acceptance of title, become part of the Mount Baker-Snoqualmie National Forest.

Approved December 19, 1980.

LEGISLATIVE HISTORY:

SENATE REPORT No. 96-959 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 126 (1980):
  Dec. 4, considered and passed Senate.
  Dec. 5, considered and passed House.

Public Law 96-554
96th Congress

An Act

To authorize a pilot program to encourage the efficient utilization of wood residues, and for other purposes.

Dec. 19, 1980
[S. 1996]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Wood Residue Utilization Act of 1980".

Wood Residue Utilization Act of 1980.
16 USC 1600 note.
16 USC 1681.

SEC. 2. The purpose of this Act is to develop, demonstrate, and make available information on feasible methods that have potential for commercial application to increase and improve utilization, in residential, commercial, and industrial or powerplant applications, of wood residues resulting from timber harvesting and forest protection and management activities occurring on public and private forest lands, and from the manufacture of forest products, including woodpulp.

Pilot projects and demonstrations, establishment.
16 USC 1682.

SEC. 3. (a) The Secretary may establish pilot projects and demonstrations to carry out the purposes of this Act. The pilot projects and demonstrations established under this section (1) may be operated by the Secretary; or (2) may be carried out through contracts or agreements with owners of private forest lands or other persons, or in conjunction with projects, contracts, or agreements entered into under any other authority which the Secretary may possess: *Provided,* That nothing contained in this Act shall abrogate or modify provisions of existing contracts or agreements, including contracts or agreements for the sale of national forest timber, except to the extent such changes are mutually agreed to by the parties to such contracts or agreements.

(b) Pilot projects and demonstrations carried out under this section may include, but are not limited to (1) establishment and operation of utilization demonstration areas; (2) establishment and operation of fuel wood concentration and distribution centers; and (3) construction of access roads needed to facilitate wood residue utilization: *Provided,* That residue removal credits may be utilized by the Secretary only as provided in section 4.

Residue removal credits.
16 USC 1683.

SEC. 4. The Secretary may carry out pilot wood residue utilization projects under which purchasers of National Forest System timber under contracts awarded prior to October 1, 1986, may, except as otherwise provided in this section, be required to remove wood residues not purchased by them to points of prospective use in return for compensation in the form of "residue removal credits." Such projects may be carried out where the Secretary identifies situations in which pilot wood residue utilization projects on the National Forest System can provide important information on various methods and approaches to increasing the utilization, in residential, commercial, and industrial or powerplant applications, of wood residues and where such information cannot reasonably be obtained unless the pilot projects are done in conjunction with normal National Forest timber sale activities. The residue removal credits shall be applied against the amount payable for the timber purchased and shall represent the anticipated cost of removal of wood residues. The following guidelines shall apply to projects carried out under this section:

Guidelines.

(1) Except in cases where wood residue removal is determined to be necessary for fire prevention, site preparation for regeneration, wildlife habitat improvement, or other land management purposes, the Secretary may not provide for removal of wood residues in instances where the anticipated cost of removal would exceed the anticipated value.

(2) The residue removal credits authorized by this section shall not exceed the amount payable by the purchaser for timber after the application of all other designated charges and credits.

(3) The Secretary may sell the wood residues removed to points of prospective use for not less than their appraised value.

(4) Pilot projects, demonstrations, and other programs established pursuant to this Act shall be carried out in a manner which does not result in an adverse effect on the furnishing of timber, free of charge, under any other provision of law.

(5) Wood residues shall be collected from a site so as to avoid soil depletion or erosion giving full consideration to the protection of wildlife habitat.

(6) For the purposes of the sixth undesignated paragraph under the heading "FOREST SERVICE" in the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500), (A) any residue removal credit applied under this section shall be considered as "money received" or "moneys received", respectively, and (B) the "money received" or "moneys received", respectively, from the sales of wood residues removed to points of prospective use shall be the proceeds of the sales less the sum of any residue removal credit applied with respect to such residues plus any costs incurred by the Forest Service in processing and storing such residues.

Reports to Congress.
16 USC 1684.

SEC. 5. The Secretary shall make annual reports to the Congress on the programs authorized by this Act. These reports shall be submitted with the reports required under section 8(c) of the Forest and Rangeland Renewable Resources Planning Act of 1974.

16 USC 1606.

16 USC 1685.

SEC. 6. The Secretary shall issue such regulations as the Secretary deems necessary to implement the provisions of this Act.

Definitions.
16 USC 1686.

SEC. 7. For purposes of this Act, the term:

(1) "Anticipated cost of removal" means the projected cost of removal of wood residues from timber sales areas to points of prospective use, as determined by the Secretary at the time of advertisement of the timber sales contract in accordance with appropriate appraisal and sale procedures.

(2) "Anticipated value" means the projected value of wood residues as fuel or other merchantable wood products, as determined by the Secretary at the time of advertisement of the timber sales contract in accordance with appropriate appraisal and sale procedures.

(3) "Points of prospective use" means the locations where the wood residues are sold or otherwise put to use, as determined by the Secretary in accordance with appropriate appraisal and sale procedures.

(4) "Person" means an individual, partnership, joint-stock company, corporation, association, trust, estate, or any other legal entity, or any agency of Federal or State government or of a political subdivision of a State.

(5) "Secretary" means the Secretary of Agriculture.

(6) "Wood residues" includes, but is not limited to, logging slash, down timber material, woody plants, and standing live or dead trees which do not meet utilization standards because of size, species, merchantable volume, or economic selection criteria and which, in the case of live trees, are surplus to growing stock needs.

Appropriation authorization. 16 USC 1687.

SEC. 8. There is hereby authorized to be appropriated not to exceed $25,000,000 for each of the fiscal years 1982, 1983, 1984, 1985, and 1986 to carry out the pilot projects and demonstrations authorized by section 3 of this Act, the residue removal credits authorized by section 4 of this Act, and the other provisions of this Act: *Provided*, That not to exceed $2,500,000 of such amount may be appropriated for administrative expenses to carry out this Act for the period beginning October 1, 1981, and ending September 30, 1986. Such sums shall be in addition to those provided under other provisions of law and shall remain available until expended.

Effective date. 16 USC 1681 note.

SEC. 9. This Act shall become effective October 1, 1981.

Approved December 19, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-913 accompanying H.R. 6755 (Comm. on Agriculture) and No. 96-1526 (Comm. of Conference).

SENATE REPORT No. 96-634 (Comm. on Agriculture, Nutrition, and Forestry).

CONGRESSIONAL RECORD, Vol. 126 (1980):

Mar. 25, considered and passed Senate.

Aug. 18, H.R. 6755 considered and passed House; passage vacated and S. 1996, amended, passed in lieu.

Dec. 5, House agreed to conference report.

Dec. 8, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 16, No. 51:

Dec. 19, Presidential statement.

Public Law 96-555
96th Congress

An Act

Dec. 19, 1980
[H.R. 5182]

To amend the Chesapeake and Ohio Canal Development Act to change the termination date of the Chesapeake and Ohio Canal National Historical Park Commission from the date ten years after the effective date of such Act to the date twenty years after such effective date.

Chesapeake and Ohio Canal Development Act, amendment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6(g) of the Chesapeake and Ohio Canal Development Act (16 U.S.C. 410y-4(g)) is amended by striking out "ten years" and inserting in lieu thereof "twenty years".

Approved December 19, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-593 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 96-889 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD:
Vol. 125 (1979): Nov. 27, considered and passed House.
Vol. 126 (1980): Dec. 5, considered and passed Senate.

Public Law 96-556
96th Congress

Joint Resolution

To provide for a temporary increase in the public debt limit.

Dec. 19, 1980
[H.J. Res. 570]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, During the period beginning on October 1, 1980, and ending on September 30, 1981, the public debt limit set forth in the first sentence of section 21 of the Second Liberty Bond Act (31 U.S.C. 757b) shall be temporarily increased by $535,100,000,000.

Public debt limit, temporary increase.
31 USC 757b note.

Approved December 19, 1980.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 126 (1980):
June 13, considered and passed House.
Dec. 12, considered and passed Senate.

Public Law 96-557
96th Congress

An Act

Dec. 19, 1980
[H.R. 7147]

To provide that certain land of the United States shall be held by the United States in trust for certain communities of the Mdewakanton Sioux in Minnesota.

Mdewakanton Sioux Indians, Minn., U.S. land held in trust.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all right, title, and interest of the United States in those lands (including any structures or other improvements of the United States on such lands) which were acquired and are now held by the United States for the use or benefit of certain Mdewakanton Sioux Indians under the Act of June 29, 1888 (25 Stat. 217); the Act of March 2, 1889 (25 Stat. 980); and the Act of August 19, 1890 (26 Stat. 336), are hereby declared to hereafter be held by the United States—

(1) with respect to the some 258.25 acres of such lands located within Scott County, Minnesota, in trust for the Shakopee Mdewakanton Sioux Community of Minnesota;

(2) with respect to the some 572.5 acres of such lands located within Redwood County, Minnesota, in trust for the Lower Sioux Indian Community of Minnesota; and

(3) with respect to the some 120 acres of such lands located in Goodhue County, Minnesota, in trust for the Prairie Island Indian Community of Minnesota.

Notice, publication in Federal Register.

SEC. 2. The Secretary of the Interior shall cause a notice to be published in the Federal Register describing the lands transferred by section 1 of this Act. The lands so transferred are hereby declared to be a part of the reservations of the respective Indian communities for which they are held in trust by the United States.

SEC. 3. Nothing in this Act shall (1) alter, or require the alteration, of any rights under any contract, lease, or assignment entered into or issued prior to enactment of this Act, or (2) restrict the authorities of the Secretary of the Interior under or with respect to any such contract, lease, or assignment.

Approved December 19, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1409 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 96-1047 (Comm. on Indian Affairs).
CONGRESSIONAL RECORD, Vol. 126 (1980):
Nov. 17, considered and passed House.
Dec. 8, considered and passed Senate.

Public Law 96-558
96th Congress

An Act

To authorize the Architect of the Capitol to contract for personal services with individuals, firms, partnerships, corporations, associations, and other legal entities.

Dec. 19, 1980
[S. 2069]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, the Architect of the Capitol is authorized to contract for personal services with any firm, partnership, corporation, association, or other legal entity in the same manner as he is authorized to contract for personal services with individuals under the provisions of section 3709 of the Revised Statutes of the United States (41 U.S.C. 5).

Architect of the Capitol, contracts.
41 USC 6a-2.

Approved December 19, 1980.

LEGISLATIVE HISTORY:

SENATE REPORT No. 96-442 (Comm. on Rules and Administration).
CONGRESSIONAL RECORD:
Vol. 125 (1979): Dec. 6, considered and passed Senate.
Vol. 126 (1980): Dec. 5, considered and passed House.

Public Law 96-559
96th Congress

An Act

Dec. 22, 1980
[H.R. 2170]

To provide for the reimbursement of legal expenses incurred by the city of Fairfax with respect to a 1971 entry and search by employees of the Federal Government.

City of Fairfax, Va.
Legal expenses reimbursement.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, **That effective October 1, 1980, there are authorized to be appropriated $41,958.78 to the Secretary of the Treasury who shall pay sums so appropriated to the city of Fairfax, Virginia, as reimbursement to the city for the legal expenses it incurred with respect to legal actions arising out of a 1971 entry into and search of a private building in the city by employees of the Federal Government.**

Approved December 22, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1270 **(Comm. on the Judiciary).**
CONGRESSIONAL RECORD, Vol. 126 (1980):
Sept. 15, considered and passed House.
Dec. 8, considered and passed Senate.

Public Law 96-560
96th Congress

An Act

To designate certain National Forest System lands in the States of Colorado, South Dakota, Missouri, South Carolina, and Louisiana for inclusion in the National Wilderness Preservation System, and for other purposes.

Dec. 22, 1980
[H.R. 5487]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

National Forest System lands, designations.

TITLE I

STATEMENT OF FINDINGS AND POLICY

SEC. 101. (a) The Congress finds that—

(1) many areas of undeveloped National Forest System lands in the State of Colorado possess outstanding natural characteristics which give them high values as wilderness and will, if properly preserved, contribute as an enduring resource of wilderness for the benefit of the American people;

(2) the Department of Agriculture's second Roadless Area Review and Evaluation (RARE II) of National Forest System lands in the State of Colorado and the related congressional review of such lands have identified areas which, on the basis of their landform, ecosystem, associated wildlife, and location, will help to fulfill the National Forest System's share of a quality National Wilderness Preservation System; and

(3) the Department of Agriculture's second Roadless Area Review and Evaluation of National Forest System lands in the State of Colorado and the related congressional review of such lands have also identified areas which do not possess outstanding wilderness attributes or which possess outstanding energy, mineral, timber, grazing, dispersed recreation and other values and which should not now be designated as components of the National Wilderness Preservation System but should be available for nonwilderness multiple uses under the land management planning process and other applicable laws.

(b) The purposes of this title are to—

(1) designate certain National Forest System lands in the State of Colorado as components of the National Wilderness Preservation System, in order to promote, perpetuate, and preserve the wilderness character of the land, protect watersheds and wildlife habitat, preserve scenic and historic resources, and promote scientific research, primitive recreation, solitude, physical and mental challenge, and inspiration for the benefit of all the American people, to a greater extent than is possible in the absence of wilderness designation; and

(2) insure that certain other National Forest System lands in the State of Colorado be available for nonwilderness multiple uses.

SEC. 102. (a) In furtherance of the purposes of the Wilderness Act, the following lands in the State of Colorado are hereby designated as

16 USC 1131 note.

wilderness and, therefore, as components of the National Wilderness Preservation System:

16 USC 1132 note. (1) certain lands in the Uncompahgre National Forest, Colorado, which comprise approximately ninety-seven thousand seven hundred acres, as generally depicted on a map entitled "Big Blue Wilderness—Proposed", dated November 1980, and which shall be known as the Big Blue Wilderness;

16 USC 1132 note. (2) certain lands in the Roosevelt National Forest, Colorado, which comprise approximately nine thousand four hundred acres, as generally depicted on a map entitled "Cache La Poudre Wilderness—Proposed", dated October 1979, and which shall be known as the Cache La Poudre Wilderness;

16 USC 1132 note. (3) certain lands in the Gunnison, San Isabel, and White River National Forests, Colorado, which comprise approximately one hundred and fifty-nine thousand nine hundred acres, as generally depicted on a map entitled "Collegiate Peaks Wilderness—Proposed", dated November 1980, and which shall be known as the Collegiate Peaks Wilderness;

16 USC 1132 note. (4) certain lands in the Roosevelt National Forest, Colorado, which comprise approximately sixty-seven thousand five hundred acres, as generally depicted on a map entitled "Comanche Peak Wilderness—Proposed", dated November 1980, and which shall be known as the Comanche Peak Wilderness;

16 USC 1132 note. (5) certain lands in the San Isabel and White River National Forests, Colorado, which comprise approximately one hundred and twenty-six thousand acreas, as generally depicted on a map entitled "Holy Cross Wilderness—Proposed", dated November 1980, and which shall be known as the Holy Cross Wilderness: *Provided,* That no right, or claim of right, to the diversion and use of existing conditional water rights for the Homestake Water Development project by the cities of Aurora and Colorado Springs shall be prejudiced, expanded, diminished, altered, or affected by this Act. Nothing in this Act shall be construed to expand, abate, impair, impede, or interfere with the construction, maintenance or repair of said project, nor the operation thereof, or any exchange or modification of the same agreed to by the cities and the United States, acting through any appropriate agency thereof;

(6) certain lands in the Rio Grande and Gunnison National Forests, Colorado, which comprise approximately sixty thousand acres, as generally depicted on a map entitled "La Garita Additions—Proposed", dated October 1979, and which are hereby incorporated in and shall be deemed to be a part of the La Garita Wilderness as designated by Public Law 88-577; 16 USC 1131 note.

16 USC 1132 note. (7) certain lands in the San Juan and Uncompahgre National Forests, Colorado, which comprise approximately forty thousand acres, as generally depicted on a map entitled "Lizard Head Wilderness—Proposed", dated November 1980, and which shall be known as the Lizard Head Wilderness;

16 USC 1132 note. (8) certain lands in the Pike National Forest, Colorado, which comprise approximately one hundred and six thousand acres, as generally depicted on a map entitled "Lost Creek Wilderness—Proposed", dated June 1980, and which shall be known as the Lost Creek Wilderness;

(9) certain lands in the Gunnison and White River National Forests, Colorado, which comprise approximately one hundred and three thousand acres, as generally depicted on a map entitled "Maroon Bells—Snowmass Additions—Proposed",

dated November 1980, and which are hereby incorporated in and shall be deemed to be a part of the Maroon Bells-Snowmass Wilderness as designated by Public Law 88-577; 16 USC 1131 note.

(10) certain lands in the Arapaho and Pike National Forests, Colorado, which comprise approximately seventy-three thousand acres, as generally depicted on a map entitled "Mount Evans Wilderness—Proposed", dated June 1980, and which shall be known as the Mount Evans Wilderness; 16 USC 1132 note.

(11) certain lands in the San Isabel National Forest, Colorado, which comprise approximately twenty-six thousand acres, as generally depicted on a map entitled "Mount Massive Wilderness—Proposed", dated October 1979, and which shall be known as the Mount Massive Wilderness; 16 USC 1132 note.

(12) certain lands in the Uncompahgre National Forest, Colorado, which comprise approximately sixteen thousand two hundred acres, as generally depicted on a map entitled "Mount Sneffels Wilderness—Proposed", dated October 1979, and which shall be known as the Mount Sneffels Wilderness; 16 USC 1132 note.

(13) certain lands in the Routt National Forest, Colorado, which comprise approximately sixty-eight thousand five hundred acres, as generally depicted on a map entitled "Mount Zirkel Wilderness Additions—Proposed", dated November 1980, and which are hereby incorporated in and shall be deemed to be a part of the Mount Zirkel Wilderness as designated by Public Law 88-577; 16 USC 1131 note.

(14) certain lands in the Roosevelt National Forest, Colorado, which comprise approximately nine thousand nine hundred acres, as generally depicted on a map entitled "Neota Wilderness Proposal", dated October 1979, and which shall be known as the Neota Wilderness; 16 USC 1132 note.

(15) certain lands in the Arapaho National Forest, Colorado, which comprise approximately fourteen thousand one hundred acres, as generally depicted on a map entitled "Never Summer Wilderness—Proposed", dated September 1980, and which shall be known as the Never Summer Wilderness; 16 USC 1132 note.

(16) certain lands in the Gunnison and White River National Forests, Colorado, which comprise approximately sixty-eight thousand acres, as generally depicted on a map entitled "Raggeds Wilderness—Proposed", dated November 1980, and which shall be known as the Raggeds Wilderness; 16 USC 1132 note.

(17) certain lands in the Roosevelt and Routt National Forests, Colorado, which comprise approximately forty-eight thousand nine hundred and thirty acres, as generally depicted on a map entitled "Mount Rawah Wilderness Additions—Proposed", dated October 1979, and which are hereby incorporated in and shall be deemed to be a part of the Rawah Wilderness as designated by Public Law 88-577: *Provided,* That the Secretary shall permit motorized access and the use of motorized equipment used for the periodic maintenance and repair of the McGuire Water Transmission Line ditch; 16 USC 1131 note.

(18) certain lands in the San Juan National Forest, Colorado, which comprise approximately one hundred and thirty thousand acres, as generally depicted on a map entitled "South San Juan Wilderness—Proposed", dated October 1979, and which shall be known as the South San Juan Wilderness; 16 USC 1132 note.

(19) certain lands in the Rio Grande and San Juan National Forests, Colorado, which comprise approximately sixty-six thousand acres, as generally depicted on a map entitled "Weminuche

Wilderness Additions—Proposed", dated October 1979, and which are hereby incorporated in and shall be deemed to be a part of the Weminuche Wilderness as designated by Public Law 93-632; and

16 USC 1132 note.

(20) certain lands in the Gunnison National Forest, Colorado, which comprise approximately one hundred and thirty-three thousand acres, as generally depicted on a map entitled "West Elk Wilderness Additions—Proposed", dated November 1980, and which are hereby incorporated in and shall be deemed to be a part of the West Elk Wilderness as designated by Public Law 88-577.

16 USC 1131 note.

(b) The previous classifications of the Uncompahgre Primitive Area and the Wilson Mountains Primitive Area are hereby abolished.

16 USC 1132 note.

SEC. 103. In furtherance of the purposes of the Wilderness Act, the following lands are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System: certain lands in the Black Hills National Forest, South Dakota, which comprise approximately ten thousand seven hundred acres, as generally depicted on a map entitled "Black Elk Wilderness—Proposed", dated October 1979, and shall be known as the Black Elk Wilderness: *Provided,* That the provisions of the Act establishing the Custer State Park Sanctuary (41 Stat. 986) and the later named Norbeck Wildlife Preserve (63 Stat. 708) shall also apply to the Black Elk Wilderness to the extent they are not inconsistent with the provisions of the Wilderness Act.

16 USC 675-678b.

SEC. 104. (a) As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file the maps referred to in this title and legal descriptions of each wilderness area designated by this title with the Committee on Energy and Natural Resources, United States Senate, and the Committee on Interior and Insular Affairs, House of Representatives, and each such map and legal description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal descriptions and maps may be made. Each such map and legal description shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture.

16 USC 1131 note.

(b) Subject to valid existing rights, each wilderness area designated by this title shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act of 1964 (78 Stat. 892) governing areas designated by that Act as wilderness areas, except that, with respect to any area designated in this Act, any reference in such provisions to the effective date of the Wilderness Act of 1964 shall be deemed to be a reference to the effective date of this Act.

16 USC 1132 note.

16 USC 1132.

SEC. 105. (a) The Secretary of Agriculture shall review and within three years after the date of enactment of this Act, shall report to the President and the Congress in accordance with subsections 3(c) and 3(d) of the Wilderness Act of 1964 (78 Stat. 892), his recommendations on the suitability or unsuitability for inclusion in the National Wilderness Preservation System of the following lands:

(1) the Buffalo Peaks Wilderness Study Area, consisting of approximately fifty-six thousand nine hundred acres in the San Isabel National Forest, as generally depicted on a map entitled "Buffalo Peaks Wilderness Study Area Proposal", dated June 1980;

(2) the Fossil Ridge Wilderness Study Area, consisting of approximately fifty-four thousand seven hundred acres in the Gunnison National Forest, as generally depicted on a map

entitled "Fossil Ridge Wilderness Study Area Proposal", dated December 1979;

(3) the Greenhorn Mountain Wilderness Study Area, consisting of approximately twenty-two thousand three hundred acres in the San Isabel National Forest, as generally depicted on a map entitled "Greenhorn Mountain Wilderness Study Area Proposal", dated June 1980;

(4) the South San Juan Wilderness Expansion Study Area, consisting of approximately thirty-two thousand eight hundred acres in the San Juan National Forest, as generally depicted on a map entitled "Montezuma Peak-V Rock Trail Wilderness Study Area", dated June 1980;

(5) the Piedra Wilderness Study Area, consisting of approximately forty-one thousand five hundred acres in the San Juan National Forest, as generally depicted on a map entitled "Piedra Wilderness Study Area Proposal", dated June 1980;

(6) the Sangre de Cristo Wilderness Study Area, consisting of approximately two hundred and twenty-one thousand acres in the Rio Grande and San Isabel National Forests, as generally depicted on a map entitled "Sangre de Cristo Wilderness Study Area Proposal", dated June 1980;

(7) the Spanish Peaks Wilderness Study Area, consisting of approximately nineteen thousand six hundred acres in the San Isabel National Forest, as generally depicted on a map entitled "Spanish Peaks Wilderness Study Area Proposal", dated June 1980;

(8) the Vasquez Peak Wilderness Study Area, consisting of approximately twelve thousand eight hundred acres in the Arapaho National Forest, as generally depicted on a map entitled "Vasquez Peak Wilderness Study Area Proposal", dated September 1980; and

(9) the West Needle Wilderness Study Area, consisting of approximately fifteen thousand eight hundred acres in the San Juan National Forest, as generally depicted on a map entitled "West Needle Wilderness Study Area Proposal", dated June 1980.

Review and report to President and Congress.

(b) The Secretary of the Interior and the Secretary of Agriculture shall review jointly the Wheeler Geologic Study Area consisting of approximately fourteen thousand acres in the Gunnison National Forest, as generally depicted on a map entitled "Wheeler Geologic Study Area Proposal", dated November 1980, and within three years following the date of enactment of this Act shall report to the President and to Congress their recommendations for management of the lands in such study area. In making such review and report, such Secretaries shall consider—

(1) the natural, historical, cultural, scenic, economic, educational, scientific, energy, mineral, and geologic values of the study area;

(2) the management and protection of fragile geologic resources within the area;

(3) possible land management options or designations including national park, national monument, or national recreation area designation; addition to the National Wilderness Preservation System; special administrative designations; and management under the general laws and regulations applicable to the National Forest System;

(4) the effect of possible land managment options on consumers, national security, and national, State and local economies,

including timber harvest, tourism, grazing, energy, water, mineral, and other commercial activities;

(5) the need for additional mineral exploration in such area; and

(6) the suitability and desirability of permanent or temporary road or other mechanized access into the study area, with special attention to access by the elderly and the handicapped.

(c) Subject to valid existing rights, the study areas designated by subsections (a) and (b) of this section shall, until Congress determines otherwise, be administered by the Secretary of Agriculture so as to maintain their presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System: *Provided,* That with respect to grazing of livestock and oil, gas, or mineral exploration and development activities, such study areas shall be administered according to the laws generally applicable to the National Forest System.

16 USC 1132 note.

SEC. 106. (a) The Secretary of Agriculture shall review and within three years after the date of enactment of this Act, shall report to the President and the Congress in accordance with subsections 3(c) and 3(d) of the Wilderness Act of 1964 (78 Stat. 892), his recommendations on the suitability or unsuitability for inclusion in the National Wilderness Preservation System of the following area:

16 USC 1132.

(1) the Oh-Be-Joyful Wilderness Study Area, consisting of approximately five thousand five hundred acres in the Gunnison National Forest, as generally depicted on a map entitled "Oh-Be-Joyful Wilderness Study Area—Proposed", dated November 1980.

(b) Subject to valid existing rights, the Oh-Be-Joyful Wilderness Study Area shall be administered by the Secretary of Agriculture so as to maintain its presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System: *Provided,* That such management requirement shall not extend beyond a period of two years from the date of submission to Congress of the President's recommendation that such area be designated as wilderness, or beyond the date of submission to Congress of the President's recommendation that such area not be designated as wilderness: *Provided further,* That, with respect to oil, gas and mineral exploration and development operations in such study area, the terms of the Wilderness Act of 1964 shall apply.

16 USC 1131 note.

SEC. 107. (a) The Congress finds that—

(1) the Department of Agriculture has completed the second Roadless Area Review and Evaluation program (RARE II); and

(2) the Congress has made its own review and examination of National Forest System roadless areas in the State of Colorado and of the environmental impacts associated with alternative allocations of such areas.

(b) On the basis of such review, the Congress hereby determines and directs that—

(1) without passing on the question of the legal and factual sufficiency of the RARE II Final Environmental Statement (dated January 1979) with respect to National Forest System lands in States other than Colorado, such statement shall not be subject to judicial review with respect to National Forest System lands in the State of Colorado;

(2) with respect to the National Forest System lands in the State of Colorado which were reviewed by the Department of Agriculture in the second Roadless Area Review and Evaluation (RARE II), except those lands remaining in further planning

upon enactment of this Act, areas listed in sections 105 and 106 of this Act, or previously congressional designated wilderness study areas, that review and evaluation shall be deemed for the purposes of the initial land management plans required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1974 as amended by the National Forest Management Act of 1976 to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the Department of Agriculture shall not be required to review the wilderness option prior to the revision of the initial plans and in no case prior to the date established by law for completion of the initial planning cycle;

16 USC 1600 note.
16 USC 1600 note.

(3) areas in the State of Colorado reviewed in such Final Environmental Statement and not designated as wilderness or for study by Congress or remaining in further planning upon enactment of this Act need not be managed for the purpose of protecting their suitability for wilderness designation pending revision of the initial plans; and

(4) unless expressly authorized by Congress the Department of Agriculture shall not conduct any further statewide Roadless Area Review and Evaluation of National Forest System lands in the State of Colorado for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

16 USC 1133 note.
16 USC 1131 note.

SEC. 108. The Congress hereby declares that, without amending the Wilderness Act of 1964, with respect to livestock grazing in National Forest wilderness areas, the provisions of the Wilderness Act relating to grazing shall be interpreted and administered in accordance with the guidelines contained under the heading "Grazing in National Forest Wilderness" in the House Committee Report (H. Report 96-617) accompanying this Act.

SEC. 109. The Secretary of Agriculture is directed to review all policies, practices, and regulations of the Department of Agriculture regarding disease or insect outbreaks, forest fires, and the use of modern suppression methods and equipment in National Forest System components of the National Wilderness Preservation System in the State of Colorado, to insure that—

(a) such policies, practices, and regulations fully conform with and implement the intent of Congress regarding forest fire, disease and insect control, as such intent is expressed in the Wilderness Act and this Act; and

(b) policies, practices, and regulations are developed that will allow timely, and efficient fire, insect, and disease control, to provide, to the extent reasonably practicable, adequate protection of adjacent Federal, State, and private nonwilderness lands from forest fires and disease or insect infestations.

SEC. 110. Congress does not intend that designation of wilderness areas in the State of Colorado lead to the creation of protective perimeters of buffer zones around each wilderness area. The fact that nonwilderness activities or uses can be seen or heard from areas within the wilderness shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

16 USC 192b-9.

SEC. 111. (a) The boundaries of Rocky Mountain National Park, the Roosevelt National Forest, and the Arapaho National Forest are revised as generally depicted on the map entitled "Boundary Adjustments, Rocky Mountain National Park", numbered 121-80,047, dated October 1, 1979, which shall be on file and available for public inspection in the Office of the Director, National Park Service, Department of the Interior, and the Office of the Chief, Forest Service, Department of Agriculture: *Provided,* That the area shown on such map as E-5 and known as the Twin Sisters area shall remain a part of the Rocky Mountain National Park. All lands added or tranferred by this Act to Rocky Mountain National Park, Roosevelt National Forest, and Arapaho National Forest shall be subject to the laws and regulations applicable to the appropriate National Park or National Forest. Lands within the Indian Peaks Wilderness Area as designated by Public Law 95-450 (92 Stat. 1099) that are transferred by this Act to Rocky Mountain National Park shall remain in the National Wilderness Preservation System. Lands within the Rocky Mountain National Park that are adjacent to the Indian Peaks Wilderness and that are transferred by this Act to the Roosevelt National Forest shall be incorporated in and become part of the Indian Peaks Wilderness.

16 USC 460jj note.

(b) The Secretary of the Interior, with respect to lands added or transfered by this Act to Rocky Mountain National Park, and the Secretary of Agriculture, with respect to lands added or transferred by this Act to Roosevelt and Arapaho National Forests, may acquire lands and interests in such lands, by donation, purchase with donated or appropriated funds, or by exchange. The Secretary of Agriculture, under the provisions of the Act of March 20, 1922 (42 Stat. 465), as amended, may accept on behalf of the United States title to any land in section 30, township 7 north, range 73 west, of the sixth principal meridian which lies within the boundary of Rocky Mountain National Park as revised by this Act, in exchange for which the Secretary of the Interior, notwithstanding section 8(a) of the Wild and Scenic Rivers Act (Public Law 90-542, 82 Stat. 906), is authorized to issue patent to lands lying within the Cache La Poudre Wild and Scenic River study corridor. Upon completion of the exchange, the Secretary of Agriculture shall transfer to the administrative jurisdiction by the Secretary of the Interior the portion of such land lying within the boundary of the Rocky Mountain National Park as revised by this Act.

16 USC 485, 486.

16 USC 1279.

(c) The Federal lands within the administrative jurisdiction of the Bureau of Land Management and within the areas referred to as E-2 and GL-3 on the map referred to in subsection (a) shall be transferred to Rocky Mountain National Park without transfer of funds.

(d) If the city of Longmont, Colorado, notifies the Secretary of the Interior that lands within the area referred to as E-8 on the map referred to in subsection (a) of this section that are owned by such city are necessary for the development of a reservoir, the Secretary shall by publication of a revised boundary description in the Federal Register revise the boundary of Rocky Mountain Park within such area to exclude the lands which are necessary for the development of the reservoir: *Provided,* That the authority of such Secretary to revise the boundary for this purpose shall expire on November 1, 1981; and the only lands which may be excluded are the approximately one hundred twenty-nine acres owned by such city.

(e) If after the completion of two complete fiscal years following the date of enactment of this Act the Secretary of the Interior has not purchased interests in the lands of approximately one thousand two hundred acres known as the Old McGregor Ranch located within the area referred to as E-2 on the map referred to in subsection (a), and the owner of such lands petitions the Secretary to exclude such lands from Rocky Mountain National Park, the Secretary shall by publication of a revised boundary description in the Federal Register return the boundary of Rocky Mountain National Park in such area E-2 to the boundary as it existed before the enactment of this Act.

(f) The Secretary of the Interior shall convey, to the city of Grand Lake, Colorado, without compensation or consideration, the lands, not to exceed two acres, within the area referred to as GL-5 on the map referred to in subsection (a).

(g) The Secretary of the Interior may provide for the use of snowmobiles along the East Shore Trail of Shadow Mountain Lake if after study the Secretary determines such use will not result in any significant adverse impact upon wildlife.

TITLE II

SEC. 201. In furtherance of the purposes of the Wilderness Act, the following lands are hereby designated as wilderness, and therefore, as components of the National Wilderness Preservation System—

(a) certain lands in the Mark Twain National Forest, Missouri, which comprise approximately eight thousand five hundred and thirty acres, are generally depicted on a map entitled "Bell Mountain Wilderness—Proposed", dated February 1980, and shall be known as the Bell Mountain Wilderness; 16 USC 1132 note.

(b) certain lands in the Mark Twain National Forest, Missouri, which comprise approximately three thousand nine hundred and twenty acres, are generally depicted on a map entitled "Rockpile Mountain Wilderness—Proposed", dated February 1980, and shall be known as the Rockpile Mountain Wilderness; 16 USC 1132 note.

(c) certain lands in the Mark Twain National Forest, Missouri, which comprise approximately eight thousand four hundred acres, are generally depicted on a map entitled "Piney Creek Wilderness—Proposed", dated February 1980, and shall be known as the Piney Creek Wilderness; 16 USC 1132 note.

(d) certain lands in the Mark Twain National Forest, Missouri, which comprise approximately six thousand eight hundred acres, are generally depicted on a map entitled "Devils Backbone Wilderness—Proposed", dated February 1980, and shall be known as the Devils Backbone Wilderness; 16 USC 1132 note.

(e) certain lands in the Francis Marion National Forest, South Carolina, which comprise approximately five thousand one hundred acres, are generally depicted on a map entitled "Wambaw Swamp Wilderness—Proposed", dated May 1980, and shall be known as the Wambaw Swamp Wilderness; 16 USC 1132 note.

(f) certain lands in the Francis Marion National Forest, South Carolina, which comprise approximately one thousand nine hundred and eighty acres, are generally depicted on a map entitled "Hell Hole Bay Wilderness—Proposed", dated May 1980, and shall be known as the Hell Hole Bay Wilderness; 16 USC 1132 note.

(g) certain lands in the Francis Marion National Forest, South Carolina, which comprise approximately five thousand acres, are generally depicted on a map entitled "Little Wambaw Swamp Wilderness—Proposed", dated May 1980, and shall be known as the Wambaw Swamp Wilderness; 16 USC 1132 note.

(h) certain lands in the Francis Marion National Forest, South Carolina, which comprise approximately one thousand six hundred and forty acres, are generally depicted on a map entitled "Wambaw Creek Wilderness—Proposed", dated May 1980, and shall be known as the Wambaw Creek Wilderness; 16 USC 1132 note.

(i) certain lands in the Kisatchie National Forest, Louisiana, which comprise approximately eight thousand seven hundred 16 USC 1132 note.

acres, are generally depicted on a map entitled "Kisatchie Hills Wilderness—Proposed", dated May 1980, and shall be known as the Kisatchie Hills Wilderness.

MAPS AND DESCRIPTIONS

SEC. 202. As soon as practicable after the provisions of this Act take effect, the Secretary of Agriculture shall file maps and legal descriptions of each wilderness area designated by this title with the Committee on Interior and Insular Affairs and the Committee on Agriculture of the House of Representatives and the Committees on Energy and Natural Resources and Agriculture, Nutrition, and Forestry of the United States Senate, and each such map and legal description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal descriptions and maps may be made. Each such map and legal description shall be on file and available for public inspection in the office of the Chief, United States Forest Service, Department of Agriculture.

ADMINISTRATION OF WILDERNESS

16 USC 1131 note.

SEC. 203. Subject to valid existing rights, each wilderness area designated by this title shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act of 1964 (78 Stat. 892) governing areas designated by that Act as wilderness areas, except that, with respect to any area designated in this Act, any reference in such provisions to the effective date of the Wilderness Act of 1964 shall be deemed to be a reference to the effective date of this Act.

Approved December 22, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-617 (Comm. on Interior and Insular Affairs) and No. 96-1521 (Comm. of Conference).
SENATE REPORT No. 96-914 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD:
Vol. 125 (1979): Dec. 10, considered and passed House.
Vol. 126 (1980): Sept. 25, considered and passed Senate, amended.
Dec. 3, House agreed to conference report.
Dec. 4, Senate agreed to conference report.

Public Law 96-561
96th Congress

An Act

To provide for the conservation and enhancement of the salmon and steelhead resources of the United States, assistance to treaty and nontreaty harvesters of those resources, and for other purposes.

Dec. 22, 1980
[S. 2163]

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

U.S. salmon and steelhead resources, conservation.
Salmon and Steelhead Conservation and Enhancement Act of 1980.
16 USC 3301 note.

TITLE I—CONSERVATION AND ENHANCEMENT OF SALMON AND STEELHEAD RESOURCES

PART A—GENERAL PROVISIONS

SEC. 101. SHORT TITLE.

This title may be cited as the "Salmon and Steelhead Conservation and Enhancement Act of 1980".

SEC. 102. FINDINGS AND PURPOSES.

16 USC 3301.

(a) FINDINGS.—The Congress finds and declares the following:

(1) The stocks of salmon and steelhead which originate in the rivers of the conservation areas constitute valuable and renewable natural resources. Many groups of commercial, recreational, and treaty fishermen have historically depended upon these stocks of fish for their livelihoods and avocations. These fishery resources contribute to the food supply and economic health of the Pacific Northwest and the Nation as a whole, provide valuable recreational experiences for thousands of citizens from various parts of the United States, and represent a central element of the cultures and economies of Indian tribes and the citizens of the Pacific Northwest.

(2) Over a period of several decades, competing uses of salmon and steelhead habitat and historical problems relating to conservation measures, the regulation of harvest and enhancement have depressed several of these stocks of salmon and steelhead.

(3) Improved management and enhancement planning and coordination among salmon and steelhead managers will help prevent a further decline of salmon and steelhead stocks and will assist in increasing the supply of these stocks.

(4) Due in principal part to the Federal court decisions in the United States against Washington and Sohappy against Smith, the fishing capacity of nontreaty fishermen in the conservation areas established by this title exceeds that required to harvest the available salmon resources. This excess capacity causes severe economic problems for these fishermen.

(5) The supply of salmon and steelhead can be increased through carefully planned enhancement measures designed to improve the survival of stocks and to augment the production of artificially propagated stocks. By careful choice of species, areas,

and stocking procedures, enhancement programs can be used to—

(A) improve the distribution of fish among different groups of treaty and nontreaty fishermen; and

(B) add stability to the treaty and nontreaty fisheries by reducing variations in fish availability.

(b) PURPOSES.—In order to assist the harvesters of the salmon and steelhead resources within the Columbia River conservation area and the Washington conservation area established by this title to overcome temporary dislocations arising from the decisions in the cases of United States against Washington and Sohappy against Smith and from other causes, this title authorizes the establishment of a cooperative program involving the United States, the States of Washington and Oregon, the treaty tribes acting through the appropriate tribal coordinating bodies, and other parties, to—

(1) encourage stability in and promote the economic well being of the treaty and nontreaty commercial fishing and charter fishing industries and improve the distribution of fishing power between treaty and nontreaty fisheries through—

(A) the purchase of nontreaty commercial and charter fishing vessels, gear, and licenses; and

(B) coordinated research, enhancement, and management of salmon and steelhead resources and habitat; and

(2) improve the quality of, and maintain the opportunities for, salmon and steelhead recreational fishing.

16 USC 3302.

SEC. 103. DEFINITIONS.

As used in this title—

(1) The term "appropriate tribal coordinating body" means the Columbia River tribal coordinating body or the Washington tribal coordinating body, as the context requires.

(2) The term "charter vessel" means any vessel licensed by the State to carry passengers for hire for the purpose of recreational salmon fishing.

(3) The term "charter fishing" means fishing undertaken aboard charter vessels.

(4) The term "Columbia River conservation area" means—

(A) all habitat within the Columbia River drainage basin; and

(B) those areas in—

(i) the fishery conservation zone over which the Pacific Fishery Management Council has jurisdiction, and

(ii) the territorial seas of Oregon and Washington,

in which one or more stocks that originate in the habitat describe in subparagraph (A) migrate.

(5) The term "Columbia River tribal coordinating body" means the organization duly authorized by those treaty tribes of the Columbia River drainage basin to coordinate activities for them for purposes of this title.

(6) The term "commercial fishing" means fishing for the purpose of sale or barter.

(7) The term "commercial fishing vessel" or "fishing vessel" means any vessel, boat, ship, or other craft which is licensed for, and used for, equipped to be used for, or of a type which is normally used for, commercial salmon fishing.

(8) The term "enhancement" means projects undertaken to increase the production of naturally spawning or artificially

propagated stocks of salmon or steelhead, or to protect, conserve, or improve the habitat of such stocks.

(9) The term "habitat" means those portions of the land or water, including the constituent elements thereof, (A) which salmon or steelhead occupy at any time during their life cycle, or (B) which affect the salmon or steelhead resources.

(10) The term "recreational fishing" means fishing for personal use and enjoyment using conventional angling gear, and not for sale or barter.

(11) The term "salmon" means any anadromous species of the family Salmonidae and Genus Oncorhynchus, commonly known as Pacific salmon.

(12) The term "salmon or steelhead resource" means any stock of salmon or steelhead.

(13) The term "steelhead" means the anadromous rainbow trout species Salmo gairdneri, commonly known as steelhead.

(14) The term "stock" means a species, subspecies, race, geographical grouping, run, or other category of salmon or steelhead.

(15) The term "treaty" means any treaty between the United States and any treaty tribe that relates to the reserved right of such tribe to harvest salmon and steelhead within the Washington or Columbia River conservation areas.

(16) The term "treaty tribe" means any Indian tribe recognized by the United States Government, with usual and accustomed fishing grounds in the Washington or Columbia River conservation areas, whose fishing right under a treaty has been recognized by a Federal court.

(17) The term "Washington conservation area" means all salmon and steelhead habitat within the State of Washington except for the Columbia River drainage basin, and in the fishery conservation zone adjacent to the State of Washington which is subject to the jurisdiction of the United States.

(18) The term "Washington tribal coordinating body" means the organization duly authorized by the treaty tribes of the Washington conservation area to coordinate their activities for them for the purposes of this title.

PART B—COORDINATED MANAGEMENT OF SALMON AND STEELHEAD

SEC. 110. ESTABLISHMENT AND FUNCTIONS OF SALMON AND STEELHEAD ADVISORY COMMISSION.

16 USC 3311.

(a) ESTABLISHMENT.—Within 90 days after the date of the enactment of this Act, the Secretary of Commerce (hereinafter in this part referred to as the "Secretary") shall establish the Salmon and Steelhead Advisory Commission (hereinafter referred to in this title as the "Commission"), which shall consist of one voting member from each of the following:

(1) The State of Washington.
(2) The State of Oregon.
(3) The Washington tribal coordinating body.
(4) The Columbia River tribal coordinating body.
(5) The Pacific Fishery Management Council.
(6) The National Marine Fisheries Service.

(b) MEMBERSHIP.—(1) The voting representatives shall be appointed by the Secretary from a list of qualified individuals submitted by the Governor of each applicable State, by each appropriate tribal coordinating body, and by the Pacific Fishery Management Council. The representative for the National Marine Fisheries Service shall be the Northwest regional director of the Service or his designee.

(2) The Commission shall have 6 nonvoting members, 5 of which shall be qualified individuals appointed by the Secretary. The sixth nonvoting member shall be the regional director of the United States Fish and Wildlife Service or his designee.

"Qualified individual."

(3) For the purposes of this subsection, the term "qualified individual" means an individual who is knowledgeable with regard to the management, conservation, or harvesting of the salmon and steelhead resources of the conservation areas.

(c) Report by Commission.—Within 15 months after the date of the establishment of the Commission, it shall prepare, and submit to the Secretary and Congress, a comprehensive report containing conclusions, comments, and recommendations for the development of a management structure (including effective procedures, mechanisms, and institutional arrangements) for the effective coordination of research, enhancement, management, and enforcement policies for the salmon and steelhead resources of the Columbia River and Washington conservation areas, and for the resolution of disputes between management entities that are concerned with stocks of common interest. The principal objectives of, and the standards for, the management structure shall include, but not be limited to—

(1) the development of common principles to govern and coordinate effectively management and enhancement activities;

(2) the prevention of overfishing;

(3) the use of the best scientific information available;

(4) the consideration of, and allowance for, variations among, and contingencies in, fisheries and catches;

(5) the promotion of harvest strategies and regulations which will encourage continued and increased investment by the salmon and steelhead producing jurisdictions;

(6) the optimization of the use of resources for enforcement;

(7) the consideration of harvest activities as they relate to existing and future international commitments;

(8) the minimization of costs and the avoidance of unnecessary duplication; and

(9) the harvest of fish by treaty tribes, in accordance with treaty rights, unless agreed otherwise by the affected treaty tribes.

(d) Unanimous Vote Required.—No report or revision thereto may be submitted by the Commission to the Secretary for approval under this section unless the report or revision is approved by all of the voting members of the Commission.

Approval.

(e) Secretarial Action on Report.—Within 4 months after the date of the submission of the comprehensive report, or any revision thereto, under subsection (c), the Secretary, in consultation with the Secretary of the Interior, shall review the report and, if he finds that the management structure recommended in the report would, if implemented, meet the objectives and standards specified in this section and be consistent with this title, approve the report. If the Secretary, in consultation with the Secretary of the Interior, finds that such structure is not in conformity with the standards and objectives set forth in this section, the provisions of this title, or other applicable law, he shall return the report to the Commission together with a written statement of the reasons for not approving the report. If the Commission submits a revised report to the Secretary within 2 months after the date of return, the Secretary shall approve the report if he finds that the objections on which the prior disapproval was based are overcome.

(f) PER DIEM AND TRAVEL ALLOWANCES.—The members of the Commission (other than those who are full-time employees of the Federal or a State government), while away from their homes or regular places of business for purposes of carrying out their duties as members, shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons intermittently employed in Government service.

(g) ADMINISTRATIVE SUPPORT.—The Secretary shall provide such clerical and technical support as may be necessary to enable the Commission to carry out its functions.

(h) TERMINATION OF COMMISSION.—Unless otherwise agreed to by the voting members of the Commission and approved by the Secretary, the Commission shall terminate upon the Secretary's approval of the Commission's report pursuant to subsection (e).

SEC. 111. PRECONDITION FOR ELIGIBILITY FOR ASSISTANCE UNDER PART C.

16 USC 3312.

Upon approval by the Secretary of the Commission's report under section 110, a State represented by a voting member on the Commission and any treaty tribe represented by a tribal coordinating body shall be eligible for financial assistance under part C if the State or treaty tribe enters into an agreement with the Secretary under which that State or treaty tribe obligates itself—

(1) to implement and enforce the provisions of the report and revisions thereto, through laws, regulations, ordinances, or other appropriate means, within such geographical areas and with respect to such persons as may be subject to its jurisdiction and to the extent of its enforcement power; and

(2) to engage in such coordination and consultation as may be necessary or appropriate to ensure, to the maximum extent practicable, that the report and revisions thereto are fully and effectively implemented.

SEC. 112. COORDINATION GRANTS.

16 USC 3313.

The Secretary, in consultation with the Secretary of the Interior, is authorized to establish a program to provide grants to prepare reports and plans provided for in parts B and C in order to promote coordinated research, enforcement, enhancement, and management of the salmon and steelhead resources within the Washington and Columbia River conservation areas consistent with the purposes of this title. Such grants shall be available for use by the State of Washington, the State of Oregon, appropriate tribal coordinating bodies, or any joint governmental entity established for undertaking research, or providing advice on or mechanisms for coordinating management or enforcement, or preparing the reports and plans described in parts B and C.

SEC. 113. DISCONTINUANCE OF ASSISTANCE UNDER PARTS B AND C.

16 USC 3314.

If the Secretary finds that as of the close of the 18th month after secretarial approval of the Commission report under section 110(e), the number of parties which have adopted and implemented the Commission's management program in accordance with the provisions of this title and the report is insufficient to ensure that the management structure is effective and consistent with the standards and objectives in section 110(c), he shall discontinue any further funding under part B or C of this title.

16 USC 3315.

SEC. 114. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary for the purposes of carrying out the provisions of this part in fiscal years commencing after September 30, 1981, an aggregate amount of $3,000,000. Funds appropriated pursuant to this section remain available to the Secretary until expended.

PART C—RESOURCE ENHANCEMENT

16 USC 3321.

SEC. 120. GRANTS FOR PROJECTS UNDER APPROVED ENHANCEMENT PLANS.

(a) AUTHORITY.—The Secretary of the Interior (hereinafter referred to in this part as the "Secretary"), in consultation with the Secretary of Commerce, is authorized to establish a program to provide grants for projects for the enhancement of the salmon and steelhead resources of the Washington conservation area and the Columbia River conservation area.

(b) PLANS.—Any such project in the Washington conservation area must be in accordance with a comprehensive enhancement plan developed and agreed to by the State of Washington and the Washington tribal coordinating body within 18 months after the date of enactment of this title. Any enhancement project in the Columbia River conservation area must be in accordance with a comprehensive enhancement plan developed and agreed to by the State of Washington, the State of Oregon, and the Columbia River tribal coordinating body within 18 months after the date of enactment of this title. Such plans must be approved by the Secretary, in consultation with the Secretary of Commerce, as provided in this part. The States shall solicit and consider the comments and views of interested commercial and recreational fishermen, and other interested parties, in developing the comprehensive enhancement plan.

(c) SCOPE.—Each comprehensive enhancement plan, and any revisions, or modifications of such plan, shall describe all enhancement projects in the conservation area, and associated stocking policies (when relevant), including any related research necessary to such enhancement anticipated by the States and the treaty tribes (acting through the appropriate tribal coordinating body) for a period of at least 5 years.

(d) STANDARDS.—Each comprehensive enhancement plan shall include such standards, restrictions, or conditions as are necessary, to assure that any project included in the plans contributes to the balanced and integrated development of the salmon and steelhead resources of the area. Such standards shall include, but not be limited to, provisions designed to—

(1) assure that all commercial and recreational fishermen and the treaty tribes shall have a reasonable opportunity to participate in the benefits, considered as a whole, of the salmon and steelhead resources development;

(2) minimize, to the extent practicable, significant adverse interaction between naturally spawning and artifically propagated stocks;

(3) ensure that all projects included within the plan are designed to complement the contribution of sound State, Federal, and tribal enhancement activities;

(4) ensure that all projects included within the plan are economically and biologically sound and supported by adequate scientific research;

(5) assure that all projects included within the plan achieve significant benefits relative to the overall cost of each such project;

(6) consider the effect of enhancement activities as they relate to existing and future international commitments; and

(7) notwithstanding any of the above measures, provide for the harvest of fish by treaty tribes in accordance with treaty rights, unless agreed otherwise by the affected treaty tribes.

(e) APPROVAL.—(1) The Secretary, in consultation with the Secretary of Commerce, shall review each comprehensive enhancement plan and approve such plan within 120 days of the date of its receipt, if found to be consistent with this title and other applicable law. If the Secretary, in consultation with the Secretary of Commerce, finds that a plan is not in conformity with the provisions of this title or other applicable law, he shall return such plan to the State of Washington or the State of Oregon, or both, as appropriate, and the appropriate tribal coordinating body with recommendations.

(2) Upon receiving such a plan, the Secretary, in consultation with the Secretary of Commerce, shall—

Publication in Federal Register.

(A) publish a notice in the Federal Register of the availability of the plan;

(B) provide a copy of the plan to the Pacific Fishery Management Council and, upon request, to any other interested person or group, and solicit and consider the comments and views of such persons or groups with respect to the plan;

(C) undertake a biological and technical review of the plan, in consultation with individuals who are knowledgeable with regard to the management, conservation, enhancement, and harvest of the salmon and steelhead resources of the area;

(D) provide a copy of the plan to and consult with the Secretary of State and the Secretary of Commerce, with respect to the effect of such plan on any international fisheries; and

(E) determine whether the State of Washington or the State of Oregon, as appropriate, and the treaty tribes, acting through their chosen agency or agencies, have the authority to carry out the plan in accordance with this title, and in accordance with standards included within the plan.

(3) The Secretary, in consultation with the Secretary of Commerce, shall not approve a comprehensive enhancement plan unless the State of Washington or the State of Oregon, or both, as appropriate, and the treaty tribes, acting through the appropriate tribal coordinating body, agree not to undertake any salmon or steelhead enhancement project, using funds provided pursuant to this part or otherwise, that would be inconsistent with the plan.

(4) The Secretary may not approve a comprehensive plan unless the Secretary of Commerce concurs that such plan satisfactorily complies with standards (1), (6), and (7) of subsection (d) of this section.

(f) REVIEW, MODIFICATION, OR REVISIONS.—Each comprehensive enhancement plan shall be reviewed periodically. The Secretary, the Secretary of Commerce, the State of Washington, the State of Oregon, or the appropriate tribal coordinating body may request a review, modification, or revision of a plan at any time. Any revision or modification of a plan, developed and agreed to by the State of Washington or the State of Oregon, as appropriate, and the appropriate tribal coordinating body, shall be approved by the Secretary, in consultation with the Secretary of Commerce, within 45 days of receipt of the proposed revision or modification, if such revision or modification is in conformity with this title and other applicable law.

The Secretary, in consultation with the Secretary of Commerce, may withdraw approval of a plan if he finds that (1) the plan or its implementation is not consistent with this title, and (2) no modification or revision has been agreed to by the State of Washington or the State of Oregon, as appropriate, and the appropriate tribal coordinating body to correct any such inconsistencies.

16 USC 3322.

SEC. 121. ENHANCEMENT PROJECTS.

After the approval of a comprehensive enhancement plan, the State of Washington, the State of Oregon, or a treaty tribe acting through the appropriate tribal coordinating body may submit project proposals to the Secretary in such manner and form as the Secretary shall prescribe. Such application shall include, but not be limited to—

(1) plans, specifications, and cost estimates of the proposed enhancement project, including estimates of both the capital construction costs of the project and the operation and maintenance costs after commencement of the project;

(2) the enhancement goals that are sought to be achieved by the proposed project, including, but not limited to—

(A) a description of the affected stock;

(B) an analysis of the expected impacts on the salmon and steelhead resource; and

(C) a projection of the expected impacts on each type of commercial, recreational and treaty Indian fishing;

(3) evidence that the State of Washington, the State of Oregon, or the treaty tribe, acting through its chosen agency or agencies, has obtained or is likely to obtain any necessary titles to, interests in, rights-of-way over, or licenses covering the use of the relevant land;

(4) an analysis of, and supporting data for, the economic and biological integrity and viability of the project;

(5) such other information as the Secretary, in consultation with the Secretary of Commerce, determines is necessary to assure that the proposed project is consistent with the approved enhancement plan and the provisions of this title; and

(6) after approval of the Commission's report pursuant to section 110 of this title, documentation that the appropriate State or treaty tribe submitting or undertaking the project proposal has adopted and begun all necessary implementation of the Commission's management program.

16 USC 3323.

SEC. 122. APPROVAL AND FUNDING OF PROJECTS.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Commerce, may approve any project that is consistent with an approved enhancement plan and the provisions of this title, and shall promptly notify the States, the treaty tribes and, upon request, any other interested party of the approval of a project and the amount of funding made available under this title for such project.

(b) LIMITATIONS ON FEDERAL SHARE.—The total Federal share of all enhancement projects funded annually by this section shall not exceed 50 percent of the total amount expended for such projects, except that this limitation shall not apply to projects proposed by treaty tribes acting through the appropriate tribal coordinating body. A State share may include both real and personal property. Title to, or other interest in, such property shall remain within the State. The State of Washington shall be treated on the date of the enactment of this title as having expended $32,000,000 (reduced by the amount treated as expended by the State under section 135 of this title) on enhancement projects set forth in the plan which are eligible for assistance under this title. The Federal share shall be paid in such amounts and at such times as the Secretary deems appropriate, consistent with this title and the goals of the comprehensive plan.

SEC. 123. REVIEW OF ENHANCEMENT PROJECTS.

16 USC 3324.

The Secretary, in cooperation with the Secretary of Commerce, shall establish, in consultation with the State of Washington, the State of Oregon, and the appropriate tribal coordinating body, a system to monitor and evaluate on a continuing basis all enhancement projects for which funds have been distributed under this part, and may discontinue or suspend distribution of all or part of the funds if any project is not being carried out in a manner consistent with the comprehensive enhancement plan concerned and this title. Each recipient of a grant under this part shall make available to the Secretary and to the Comptroller General of the United States for purposes of audit and examination, any book, document, paper, and record that is pertinent to the funds received under the grant.

SEC. 124. AUTHORIZATION OF APPROPRIATIONS.

16 USC 3325.

(a) SALMON ENHANCEMENT.—For purposes of carrying out the provisions of this part for salmon enhancement (including, but not limited to, the operation and maintenance of enhancement facilities) there are authorized to be appropriated not to exceed $45,000,000 for the ten-year period beginning on October 1, 1982, for the Washington conservation area, and not to exceed $25,000,000 for the ten-year period beginning on such date for the Columbia River conservation area.

(b) STEELHEAD ENHANCEMENT.—In addition to the amounts authorized under subsection (a), there are authorized to be appropriated to carry out steelhead enhancement projects under this part (including, but not limited to, operation and maintenance of enhancement facilities) not to exceed $7,000,000 for the ten-year period beginning on October 1, 1982, for the Washington conservation area; and not to exceed $7,000,000 for the ten-year period beginning on such date for the Columbia River conservation area.

(c) LIMITATION.—No moneys appropriated pursuant to subsection (a) or (b) may be used for the operation and maintenance of enhancement programs and related facilities as they existed on or before the date of the approval by the Secretary under section 120 of the enhancement plan for the conservation area concerned.

PART D—COMMERCIAL FISHING FLEET ADJUSTMENT

SEC. 130. FLEET ADJUSTMENT PROGRAM.

16 USC 3331.

(a) IN GENERAL.—The Secretary of Commerce (hereinafter referred to in this part as the "Secretary"), upon approval of a program submitted pursuant to section 132 of this part, is authorized to distribute Federal funds to the State of Washington (hereinafter in this part referred to as the "State"), subject to the standards, conditions, and restrictions set forth in this part, for the purchase of commercial fishing and charter vessels (including the associated fishing gear) and licenses by the State in accordance with the provisions of this part. The Federal share payable under this part shall not exceed 75 percent of the total cost of the program.

(b) LEGAL TITLE.—Title to any vessel or other personal property purchased under a State program approved by the Secretary in accordance with the provisions of this part shall vest upon purchase in the State. If the State sells such vessels or other property, title may pass in accordance with such sale.

16 USC 3332.

SEC. 131. STANDARDS.

The State shall submit to the Secretary a program within three months of the date of enactment of this title designed to—

(1) provide incentives for early retirement of licenses, or early sale of vessels;

(2) set aside specific allocations of funds for each gear type to achieve the specific fleet reductions provided for in the program;

(3) obtain an effective and expeditious reduction in the overall fishing capacity of and the number of vessels and licenses in the non-Indian commercial and charter salmon fishing fleets in the Washington conservation area; and

(4) provide State funding for 25 per centum of the total cost of the program.

16 USC 3333.

SEC. 132. PROGRAM APPROVAL.

(a) SUBMISSION FOR APPROVAL.—The State shall submit its program and submit revisions, modifications, or amendments to the Secretary in accordance with standards established pursuant to section 131 and in such manner and form as the Secretary shall prescribe.

(b) REQUIREMENTS FOR APPROVAL.—Prior to approving such program or any revision, modification, or amendment, and authorizing Federal funds to be distributed in accordance with this part, the Secretary must find that—

(1) the State, acting through its chosen agency or agencies, has authority to carry out a commercial and charter vessel fleet reduction program in accordance with the provisions of this part;

(2) the State program provides that a fishing or charter vessel may not be purchased by the State from other than the person who owned the vessel on the date of the enactment of this title;

(3) the State program prevents the expenditure of a disproportionate amount of funds available for vessel acquisition on vessels owned by any one person;

(4) the State program prohibits the purchase of any fishing or charter vessel unless all State commercial and charter salmon fishing licenses attached to the vessel are also sold to the State;

(5) the State program provides that no person may purchase from the State any vessel which that person or a member of that person's immediate family had previously sold to the State;

(6) the State program provides that no person may purchase any vessel sold to the State pursuant to the program and use such vessel for commercial or charter salmon fishing in the Washington conservation area, unless State law provides that the use of such vessel could not result in any additional fishing effort in the non-Indian fishing fleet;

(7) the State program provides for purchase of vessels at their fair market value;

(8) the State program provides for the reduction of salmon fishing licenses, through purchase of such licenses at their fair market value, and the use of bonuses and schedules, to—

(A) secure an early retirement from the salmon fishery;

(B) recognize productiveness if the commercial harvesters using a gear type wish that gear type's specific allocation of funds to recognize productiveness; and

(C) recognize passenger-carrying capacity for charter fishing licenses;

(9) the State program provides, with respect to marginally productive commercial salmon fishermen, for the purchase of their salmon fishing licenses, but not their fishing vessels;

(10) the State maintains a moratorium, or similar program, to preclude the issuance of new commercial or charter salmon fishing licenses; and

Revolving fund.

(11) the State has established a revolving fund for the operation of the fleet reduction program that includes an individual account for each category of fishing license (based on type of fishing gear used) and that any moneys received by the State or its agents from the resale of any fishing vessel or gear purchased under the program (A) shall be placed in such revolving fund, (B) shall, for at least 2 years from the date of the program's inception, be placed in the appropriate individual account, and (C) shall be used exclusively to purchase commercial fishing and charter vessels and licenses in accordance with the provisions of this part.

(c) SECRETARIAL ACTION.—The Secretary shall approve such program within ninety days of the date of receipt of the program if found to be consistent with this title and other applicable law. If the Secretary finds that such program is not in conformity with the provisions of this title or other applicable law, he shall return such program to the State with recommendations. Any revision, modification, or amendment to the program shall be approved within thirty days of receipt unless found to be inconsistent with this title or other applicable law.

SEC. 133. REVIEW BY SECRETARY.

16 USC 3334.

(a) IN GENERAL.—The Secretary shall conduct a continuing review of the State program to determine whether the program remains consistent with this title or other applicable law. Such review shall include a biennial audit of the records of the State program.

(b) ACTION UPON FINDING OF NONCOMPLIANCE.—If the Secretary finds that the program or the administration thereof is no longer in compliance with this part, he shall reduce or discontinue distribution of funds under this part, or take other appropriate action.

(c) DISPOSITION OF CERTAIN MONEYS.—If the Secretary finds that any money provided to the State or obtained by the State from the resale of any fishing or charter vessel purchased under the program is not being used in accordance with the provisions of this part, the Secretary shall recover from the fund, and place in the United States Treasury, such moneys.

SEC. 134. AUTHORIZATION OF APPROPRIATIONS.

16 USC 3335.

There are authorized to be appropriated to the Secretary, for the purposes of carrying out the provisions of this part, $37,500,000 for the 5-year period beginning October 1, 1981.

SEC. 135. SPECIAL PROVISION.

16 USC 3336.

On the date the Secretary approves the program under section 132, the State shall be treated as having expended such portion of $32,000,000 as the State deems appropriate for purposes of implementing the program.

PART E—MISCELLANEOUS

16 USC 3341.

SEC. 140. REGULATIONS.

The Secretary of Commerce and the Secretary of the Interior may each promulgate such regulations, in accordance with section 553 of title 5, United States Code, as may be necessary to carry out his functions under this title.

16 USC 3342.

SEC. 141. REPORTS AND MONITORING.

(a) REPORTS.—The State of Washington, the State of Oregon, and the appropriate tribal coordinating bodies shall submit to the appropriate Secretary an annual report on the status of the programs authorized by this title or any other relevant report requested by such Secretary.

(b) MONITORING.—After the 18-month period after approval of the report of the Salmon and Steelhead Advisory Commission under Part B, the Secretary of Commerce shall establish a system to monitor and evaluate on a continuing basis whether the management program set forth in the report is being effectively implemented. If at any time after the monitoring system is established, the Secretary finds that—

(1) the number of parties referred to in section 113 has been reduced to the extent that such program cannot be implemented effectively; or

(2) the general implementation of the program is ineffective;

the Secretary shall immediately discontinue any further funding under part C.

16 USC 3343.

SEC. 142. RELATIONSHIP TO PROVISIONS OF FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976.

(a) CONSISTENCY.—Nothing in this title shall be construed as affecting the provisions of title III of the Fishery Conservation and Management Act of 1976 as it applies with respect to fishery management plans and their application to any fishery, except that the Pacific Fishery Management Council shall ensure that existing and future fishery management plans are consistent with any recommended program approved under section 110 and any enhancement plan under part C. 16 USC 1851.

(b) FLEET MOBILITY.—The Secretary of Commerce in coordination with the Pacific Fishery Management Council in its salmon management plan shall ensure that the fishing effort reduction that results from the fleet adjustment program of part D and the license moratorium of the State of Washington is not replaced by new fishing effort from outside such State.

16 USC 3344.

SEC. 143. RELATION TO OTHER LAWS.

Nothing in this title shall be construed—

(1) to diminish Federal, State, or tribal jurisdiction, responsibility, or rights in the field of resource enhancement and management, or control of water resources, submerged lands, or navigable waters; nor to limit the authority of Congress to authorize and fund projects; or

(2) as superseding, modifying, or repealing any existing applicable law, except as provided for in section 143 of this title.

16 USC 3345.

SEC. 144. AUTHORIZATION OF ADDITIONAL APPROPRIATION.

In addition to other authorizations of appropriations contained in this title, there are authorized to be appropriated to the Secretary of Commerce beginning October 1, 1981, an amount not to exceed $5,000,000 for the purpose of developing fisheries port facilities in the

State of Oregon. The Secretary shall obligate such funds for projects proposed by units of State or local government, Indian tribes, or private nonprofit entities, and approved by the State of Oregon in consultation with the National Marine Fisheries Service and the Economic Development Administration. To the extent practicable, the Secretary shall assure that projects under this section are integrated with planning and assistance under the Public Works and Economic Development Act. Funds available under this section shall not be used for any navigational improvement or other modification of the navigable waters of the United States. Funds appropriated pursuant to this section shall remain available until expended.

SEC. 145. GOVERNING INTERNATIONAL FISHERY AGREEMENT WITH PORTUGAL.

16 USC 1823 note.

Notwithstanding section 203 of the Fishery Conservation and Management Act of 1976, the governing international fishery agreement between the Government of the United States of America and the Government of Portugal Concerning Fisheries Off the Coasts of the United States, as contained in the message to Congress from the President of the United States dated December 1, 1980—

16 USC 1823.

(1) is hereby approved by Congress as a governing international fishery agreement for the purposes of such Act of 1976; and

(2) shall enter into force and effect with respect to the United States on the date of the enactment of this title.

TITLE II—PROMOTION OF AMERICAN FISHERIES

American Fisheries Promotion Act. 16 USC 1801 note.

SEC. 201. SHORT TITLE.

This title may be cited as the "American Fisheries Promotion Act".

PART A—RESEARCH AND DEVELOPMENT REGARDING UNITED STATES FISHERIES

SEC. 210. RESEARCH AND DEVELOPMENT PROJECTS AND PROGRAMS.

AMENDMENTS TO SALTONSTALL-KENNEDY ACT.—Section 2 of the Act of August 11, 1939 (commonly referred to as the Saltonstall-Kennedy Act, 15 U.S.C. 713c-3), is amended—

(1) by striking out subsections (b), (c), (d), and (e);

(2) by redesignating subsection (a) as subsection (b);

(3) by inserting immediately before subsection (b) (as so redesignated) the following new subsection:

"SEC. 2. (a) DEFINITIONS.—As used in this section—

"(1) The term 'person' means—

"(A) any individual who is a citizen or national of the United States or a citizen of the Northern Mariana Islands;

"(B) any fishery development foundation or other private nonprofit corporation located in Alaska; and

"(C) any corporation, partnership, association, or other entity (including, but not limited to, any fishery development foundation or other private nonprofit corporation not located in Alaska), nonprofit or otherwise, if such entity is a citizen of the United States within the meaning of section 2 of the Shipping Act, 1916 (46 U.S.C. 802) and for purposes of applying such section 2 with respect to this section—

"(i) the term 'State' as used therein includes any State referred to in paragraph (3), "(ii) citizens of the United States must own not less than 75 percent of the interest in the entity or, in the case of a nonprofit entity, exercise control in the entity that is determined by the Secretary to be the equivalent of such ownership, and

"(iii) nationals of the United States and citizens of the Northern Mariana Islands shall be treated as citizens of the United States in meeting the ownership and control requirements referred to in clause (ii).

"(2) The term 'Secretary' means the Secretary of Commerce.

"(3) The term 'State' means any State, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands of the United States, Guam, the Northern Mariana Islands, and any other Commonwealth, territory, or possession of the United States.

"(4) The term 'United States fishery' means any fishery, including any tuna fishery, that is, or may be, engaged in by citizens or nationals of the United States or citizens of the Northern Mariana Islands.

"(5) The term 'citizen of the Northern Mariana Islands' means—

"(A) an individual who qualifies as such under section 8 of the Schedule on Transitional Matters attached to the Constitution of the Northern Mariana Islands; or

"(B) a corporation, partnership, association, or other entity organized or existing under the laws of the Northern Mariana Islands, not less than 75 percent of the interest in which is owned by individuals referred to in subparagraph (A) or citizens or nationals of the United States, in cases in which 'owned' is used in the same sense as in section 2 of the Shipping Act, 1916 (46 U.S.C. 802).";

(4) by amending subsection (b) (as so redesignated)—

(i) by inserting "Fund.—" immediately after "(b)" and before the first word of such subsection,

(ii) by striking out "Secretary of the Interior" the first place it appears therein and inserting in lieu thereof "Secretary",

(iii) by striking out "and used by the Secretary of the Interior" and inserting in lieu thereof "only for use by the Secretary", and

(iv) by striking out clauses (1), (2), and (3) and inserting in lieu thereof the following: "(1) to provide financial assistance for the purpose of carrying out fisheries research and development projects approved under subsection (c), and (2) to implement the national fisheries research and development program provided for under subsection (d)."; and

(5) by adding immediately after subsection (b) (as so redesignated) the following:

"(c) Fisheries Research and Development Projects.—(1) The Secretary shall make grants from the fund established under subsection (b) to assist persons in carrying out research and development projects addressed to any aspect of United States fisheries, including, but not limited to, harvesting, processing, marketing, and associated infrastructures.

Application for grants.

"(2) The Secretary shall—

"(A) at least once each fiscal year, receive, during a 60-day period specified by him, applications for grants under this subsection;

"(B) prescribe the form and manner in which applications for grants under this subsection must be made, including, but not limited to, the specification of the information which must accompany applications to ensure that the proposed projects comply with Federal law and can be evaluated in accordance with paragraph (3)(B); and

"(C) approve or disapprove each such application before the close of the 120th day after the last day of the 60-day period (specified under subparagraph (A)) in which the application was received.

Approval provisions.

"(3) No application for a grant under this subsection may be approved unless the Secretary—

"(A) is satisfied that the applicant has the requisite technical and financial capability to carry out the project; and

"(B) evaluates the proposed project as to—

"(i) soundness of design,

"(ii) the possibilities of securing productive results,

"(iii) minimization of duplication with other fisheries research and development projects,

"(iv) the organization and management of the project,

"(v) methods proposed for monitoring and evaluating the success or failure of the project, and

"(vi) such other criteria as the Secretary may require.

Terms and conditions.

"(4) Each grant made under this subsection shall be subject to such terms and conditions as the Secretary may require to protect the interests of the United States, including, but not limited to, the following:

Recordkeeping requirements.

"(A) The recipient of the grant must keep such records as the Secretary shall require as being necessary or appropriate for disclosing the use made of grant funds and shall allow the Secretary and the Comptroller General of the United States, or any of their authorized representatives, access to such records for purposes of audit and examination.

"(B) The amount of a grant may not be less than 50 percent of the estimated cost of the project.

Reports.

"(C) The recipient of the grant must submit to the Secretary periodic project status reports.

"(5)(A) If the cost of a project will be shared by the grant recipient, the Secretary shall accept, as a part or all of that share, the value of in-kind contributions made by the recipient, or made available to, and applied by, the recipient, with respect to the project.

"(B) For purposes of subparagraph (A), in-kind contributions may be in the form of, but are not limited to, personal services rendered in carrying out functions related to, and permission to use real or personal property owned by others (for which consideration is not required) in carrying out the project. The Secretary shall establish (i) the training, experience, and other qualifications which shall be required in order for services to be considered as in-kind contributions; and (ii) the standards under which the Secretary will determine the value of in-kind contributions for purposes of subparagraph (A).

"(C) Any valuation determination made by the Secretary for purposes of this paragraph shall be conclusive.

"(d) NATIONAL FISHERIES RESEARCH AND DEVELOPMENT PROGRAM.—(1) The Secretary shall carry out a national program of research and development addressed to such aspects of United States fisheries (including, but not limited to, harvesting, processing, marketing, and associated infrastructures), if not adequately covered by projects assisted under subsection (c), as the Secretary deems appropriate.

Report to congressional committees.

"(2) The Secretary shall, after consultation with appropriate representatives of the fishing industry, submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Merchant Marine and Fisheries of the House of Representatives, an annual report, that must be submitted not later than 60 days before the close of each fiscal year, containing—

"(A) the fisheries development goals and funding priorities under paragraph (1) for the next fiscal year;

"(B) a description of all pending projects assisted under subsection (c) or carried out under paragraph (1), in addition to—

"(i) a list of those applications approved and those disapproved under subsection (c), and the total amount of grants made, for the current fiscal year, and

"(ii) a statement of the extent to which available funds were not obligated or expended by the Secretary for grants under subsection (c) during the current fiscal year; and

"(C) an assessment of each project assisted under subsection (c) or carried out under paragraph (1) that was completed in the preceding fiscal year regarding the extent to which (i) the objectives of the project were attained, and (ii) the project contributed to fishery development.

"(e) Allocation of Fund Moneys.—(1) With respect to any fiscal year, not less than 50 percent of—

"(A) the moneys transferred to the fund under subsection (b) or any other provision of law with respect to that fiscal year; and

"(B) such existing fund moneys carried over into that fiscal year;

shall be used by the Secretary during that fiscal year to provide financial assistance for projects under subsection (c); and the remainder of such moneys in the fund shall be used to implement the national fisheries research and development program established under subsection (d) during that fiscal year.

"(2) Moneys accruing to the fund established under subsection (b) for any fiscal year and not expended with respect to that year shall remain available for expenditure under this section without fiscal year limitation.".

15 USC 1511b.

SEC. 211. UNITED STATES FISHERY TRADE OFFICERS.

(a) Appointment.—For purposes of carrying out export promotion and other fishery development responsibilities, the Secretary of Commerce (hereinafter in this section referred to as the "Secretary") shall appoint not fewer than six officers who shall serve abroad to promote United States fishing interests. These officers shall be knowledgeable about the United States fishing industry, preferably with experience derived from the harvesting, processing, or marketing sectors of the industry or from the administration of fisheries programs. Such officers, who shall be employees of the Department of Commerce, shall have the designation of fishery trade officers.

(b) Assignment.—Upon the request of the Secretary, the Secretary of State shall officially assign fishery trade officers to such diplomatic missions of the United States as the Secretary designates (three of which shall be those in Brussels, Belgium; Rome, Italy; and Tokyo, Japan) and shall obtain for them diplomatic privileges and immunities equivalent to those enjoyed by foreign service personnel of comparable rank and salary.

(c) Functions of Fishery Trade Officers.—The functions of fishery trade officers appointed under subsection (a) shall be—

(1) to increase the effectiveness of United States fishery export promotion efforts through such activities as the coordination of market development efforts and the provision of services and facilities for exporters of United States fishery products;

(2) to develop, maintain, and make available to interested persons listings of (A) trade, government, and other organizations that are concerned with, or have an interest in, international trade in United States fishery products, and (B) United States fishery products available for such trade;

(3) to prepare quarterly reports regarding (A) the supply, demand, and prices of each United States fishery product exported, or for which there may be export potential, to the foreign nation or area concerned, and (B) the trade barriers or incentives of such nation or area that affect imports of such products;

(4) to prepare weekly statements regarding the prices for each fishery product for which there may be United States export potential to the foreign nation or area concerned; and

(5) to carry out such other functions as the Secretary may require.

(d) Administration.—The Secretary of State and the Secretary shall enter into cooperative arrangements concerning the provision of office space, equipment, facilities, clerical services, and such other administrative support as may be required for fishery trade officers and their families.

Part B—Financial Assistance With Respect to Fishing Vessels and Fishery Facilities

SEC. 220. GUARANTEE OF OBLIGATIONS FOR FISHING VESSELS AND FOR FISHERY FACILITIES.

Title XI of the Merchant Marine Act, 1936 (46 U.S.C. 1271-1280) is amended as follows: 46 USC 1271.

(1) Section 1101 is amended:

Definitions.
46 USC 1271.

(A) in subsection (h) by striking "equipping; and" and substituting "equipping;";

(B) in subsection (i) by striking "mark." and substituting "mark;"; and

(C) by adding at the end thereof the following new subsections:

"(j) The term 'citizen of the Northern Mariana Islands' means—

"(1) an individual who qualifies as such under section 8 of the Schedule on Transitional Matters attached to the Constitution of the Northern Mariana Islands; or

"(2) a corporation, partnership, association, or other entity formed under the laws of the Northern Mariana Islands, not less than 75 percent of the interest in which is owned by individuals referred to in paragraph (1) or citizens or nationals of the United States, in cases in which 'owned' is used in the same sense as in section 2 of the Shipping Act, 1916 (46 U.S.C. 802);

"(k) The term 'fishery facility' means—

"(1) for operations on land—

"(A) any structure or appurtenance thereto designed for the unloading and receiving from vessels, the processing, the holding pending processing, the distribution after processing, or the holding pending distribution, of fish from one or more fisheries, "(B) the land necessary for any such structure or appurtenance described in subparagraph (A), and

"(C) equipment which is for use in connection with any such structure or appurtenance and which is necessary for the performance of any function referred to in subparagraph (A); or

"(2) for operations other than on land, any vessel built in the United States used for, equipped to be used for, or of a type which is normally used for, the processing of fish;

but only if such structure, appurtenance, land, equipment, or vessel is owned by an individual who is a citizen or national of the United States or a citizen of the Northern Mariana Islands or by a corporation, partnership, association, or other entity that is a citizen of the United States within the meaning of section 2 of the Shipping Act, 1916 (46 U.S.C. 802), and for purposes of applying such section 2 with respect to this section—

"(i) the term 'State' as used therein includes any State, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands of the United States, Guam, the Northern Mariana Islands, or any other Commonwealth, territory, or possession of the United States; and

"(ii) citizens of the United States must own not less than 75 percent of the interest in the entity and nationals of the United States or citizens of the Northern Mariana Islands shall be treated as citizens of the United States in meeting such ownership requirement;

"(l) The term 'fishing vessel' has the meaning given such term by section 3(11) of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1802(11)); and any reference in this title to a vessel designed principally for commercial use in the fishing trade or industry shall be treated as a reference to a fishing vessel;

"(m) The term 'United States' when used in a geographical context with respect to fishing vessels or fishery facilities includes all States referred to in subsection (k)(i).".

46 USC 1273. (2) Section 1103(f) is amended by inserting immediately before the period the following: "; except that—

"(1) not less than 3 percent, nor more than 7 percent, of such sum shall be reserved for the guarantee of obligations for fishing vessels and fishery facilities that meet the economic soundness criteria set forth in section 1104(d)(1), and

"(2) not less than 3 percent, nor more than 7 percent, of such sum shall be reserved for the guarantee of obligations for fishing vessels and fishery facilities that meet the economic soundness criteria set forth in section 1104(d)(2),

but the aggregate amount reserved for the purposes set forth in paragraphs (1) and (2) must equal 10 percent of such sum.".

46 USC 1274. (3) Section 1104 is amended—

(A) in subsection (a)—

(i) by striking out "(D) in the fishing trade or industry; or (E)" in paragraph (1) and inserting in lieu thereof "; or (D)";

(ii) by redesignating subparagraph (F) in paragraph (1) as subparagraph (E);

(iii) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively, and by inserting immediately after paragraph (1) the following new paragraph:

"(2) financing, including reimbursement of an obligor for expenditures previously made for, construction, reconstruction, reconditioning, or purchase of a vessel or vessels owned by citizens or nationals of the United States or citizens of the Northern Mariana Islands which are designed principally for research, or for commercial use in the fishing trade or industry;";

(iv) by striking out "or" at the end of paragraph (4) (as redesignated by clause (iii));

(v) by striking out "or (3)" in paragraph (5) (as so redesignated) and inserting in lieu thereof "(3), or (4)", and by striking out the period at the end thereof and inserting in lieu thereof a semicolon; and

(vi) by adding immediately after paragraph (5) the following:

"(6) financing or refinancing, including, but not limited to, the reimbursement of obligors for expenditures previously made for, the construction, reconstruction, reconditioning, or purchase of fishery facilities; or

"(7) financing the purchase of fishing vessels or fishery facilities, the construction, reconstruction, reconditioning, or purchase of which was guaranteed under this title, that are sold at foreclosure instituted by the Secretary, or are sold by the Secretary following purchase at foreclosure, and the reconstruction or reconditioning thereof.

Any obligation guaranteed under paragraph (6) shall be treated, for purposes of this title, in the same manner and to the same extent as an obligation guaranteed under this title which aids in the construction, reconstruction, reconditioning, or purchase of a vessel; except with respect to provisions of this title that by their nature can only be applied to vessels.";

(B) by adding at the end of subsection (b) the following: "The Secretary may not establish, as a condition of eligibility for guarantee under this title, a minimum principal amount for an obligation covering the reconstruction or reconditioning of a fishing vessel or fishery facility. For purposes of this title, the reconstruction or reconditioning of a fishing vessel or fishery facility does not include the routine minor repair or maintenance of the vessel or facility.";

(C) in subsection (d)—

(i) by striking out "No" and inserting in lieu thereof "(1) Except as provided in paragraph (2), no"; and

(ii) by adding at the end thereof the following:

"(2) In applying paragraph (1) with respect to commitments to guarantee, and the guarantee of, obligations for fishing vessels and fishery facilities used for underutilized fisheries, the Secretary of Commerce may apply an economic soundness test that is less stringent than that which has been traditionally applied to obligation guarantees under this paragraph.

"(3) No commitment to guarantee, or guarantee of an obligation may be made by the Secretary of Commerce under this title for the purchase of a used fishing vessel or used fishery facility unless—

"(A) the vessel or facility will be reconstructed or reconditioned in the United States and will contribute to the development of the United States fishing industry; or

"(B) the vessel or facility will be used in the harvesting of fish from, or for a purpose described in section 1101(k) with respect to, an underutilized fishery."; and *Ante*, p. 3291.

(D) in subsection (g)—

(i) by inserting "(1)" immediately after "(g)"; and

(ii) by adding at the end thereof the following new paragraph:

"(2) The Secretary of Commerce shall establish within the Fund the following subfunds:

"(A) The standard fishery subfund which shall contain all moneys received for, and incident to, the guarantee of obligations with respect to fishing vessels and fishery facilities to which the economic soundness criteria set forth in section 1104(d)(1) apply. *Ante*, p. 3292.

"(B) The underutilized fishery subfund which shall contain all moneys received for, and incident to, the guarantee of obligations with respect to fishing vessels and fishery facilities to which the economic soundness criteria set forth in section 1104(d)(2) apply. *Ante*, p. 3292.

"(C) The general subfund which shall contain all moneys received for, and incident to, the guarantee of obligations for vessels other than fishing vessels.".

46 USC 1275. (4) The first sentence of section 1105(d) is amended by inserting immediately before the period at the end thereof the following: ", and shall be paid from the appropriate subfund required to be established under section 1104(g)(2)". *Supra*.

16 USC 742c note.

SEC. 221. LOANS UNDER THE FISH AND WILDLIFE ACT OF 1956.

(a) LOAN AUTHORITY UNTIL OCTOBER 1, 1982.—During the period beginning on the date of the enactment of this title and ending at the close of September 30, 1982, the Secretary of Commerce (hereinafter in this section referred to as the "Secretary") may make loans from the fisheries loan fund established under subsection (c) of section 4 of the Fish and Wildlife Act of 1956 (16 U.S.C. 742c) only for the purposes set forth in subsections (b) and (c) of this section. Except to the extent that they are inconsistent with, or contrary to, this section, the provisions of such section 4 shall apply with respect to loans made for such purposes.

(b) LOANS TO AVOID DEFAULT ON OBLIGATIONS COVERING FISHING VESSELS.—(1) The Secretary may make loans for the purpose of assisting obligors to avoid default on obligations that are issued with respect to the construction, reconstruction, reconditioning or purchase of fishing vessels and that—

(A) are guaranteed by the United States under title XI of the Merchant Marine Act, 1936 (46 U.S.C. 1271-1280, relating to Federal ship mortgage insurance); or *Ante*, p. 3291.

(B) are not guaranteed under such title XI, but the fishing vessels concerned meet the use and documentation requirements, and the obligors meet the citizenship requirements, that would apply if the obligations were guaranteed under that title.

(2)(A) Within the 30-day period beginning on the date of the enactment of this title in the case of fiscal year 1981, and before the beginning of fiscal year 1982, the Secretary shall estimate the number, and the aggregate amount, of loans described in paragraph (1)(A) for which application will likely be made during each of such fiscal years and shall reserve that amount in the fisheries loan fund for the purpose of making such loans during such year (or if such amount is larger than the fund balance, the Secretary shall reserve the whole fund for such purpose).

(B) If any moneys are available in the fisheries loan fund for each such fiscal year after subparagraph (A) is complied with for that year, the Secretary shall use such moneys for the purpose of making loans described in paragraph (1)(B) during that year.

(C) At an appropriate time during each of fiscal years 1981 and 1982, the Secretary shall compare the actual loan experience during that year with the estimate made for that year under subparagraph (A) and if the Secretary determines, on the basis of such comparison, that the demand for loans described in paragraph (1)(A) will be less than estimated, the Secretary shall, for the fiscal year concerned, apply moneys reserved for such loans for the purpose of making loans described in paragraph (1)(B) and, to the extent not utilized for loans described in paragraph (1)(B), for the purpose of making loans under subsection (c).

Eligibility requirements.

(3) The Secretary may make loans under this subsection only to owners or operators who, in the judgment of the Secretary, have substantial experience and proven ability in the management and financing of fishing operations, and only if (A) loans for the purpose described in paragraph (1) are not otherwise available at reasonable rates which permit continued operation, and (B) the loans are likely to result in the financial viability of the fishing operations of the owners or operators. Each such loan shall be subject to such terms and conditions as the Secretary deems necessary or appropriate to protect the interests of the United States and to carry out the purpose of this subsection. In establishing such terms and conditions, the Secretary shall take into account, among such other factors he deems pertinent, the extent to which the obligations concerned have been retired, and the overall financial condition of the obligors. The interest rate on loans made under the authority of this subsection shall not exceed that rate determined by the Secretary to be sufficient to cover the costs incurred in processing and servicing of such loans.

Terms and conditions.

(c) Loans To Cover Operating Losses.—(1) If the Secretary determines that moneys will be available in such fisheries loan fund for fiscal year 1981 or 1982, or both, after loans under subsection (b) are provided for for that year, the Secretary may make loans for the purpose of assisting owners and operators of fishing vessels to cover vessel operating expenses in cases where an owner or operator incurs, or may incur, a net operating loss within such fiscal year.

Terms and conditions.

(2) Each loan made by the Secretary under this subsection shall be subject to such terms and conditions as the Secretary deems necessary or appropriate to protect the interests of the United States and to carry out the purposes of this subsection. The Secretary may make loans under this subsection only to owners or operators who, in the judgment of the Secretary, have substantial experience and proven ability in the management and financing of fishing operations, and only if (A) loans for the purpose described in paragraph (1) are not otherwise available at reasonable rates which permit continued operation, and (B) the loans are likely to result in the financial viability of the fishing operations of the owners or operators. The interest rate on loans made under this subsection shall be the rate prevailing for loans made under the Emergency Agricultural Credit Act of 1978 (7 U.S.C. preceding 1961 note).

Part C—Amendments to the Fishery Conservation and Management Act of 1976

SUBPART 1—FOREIGN FISHING IN FISHERIES SUBJECT TO THE EXCLUSIVE FISHERY MANAGEMENT AUTHORITY OF THE UNITED STATES

SEC. 230. FOREIGN FISHING.

Section 201(d) of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1821(d)) is amended to read as follows:

Definitions.

"(d) Total Allowable Level of Foreign Fishing.—(1) As used in this subsection—

"(A) The term 'base harvest' means, with respect to any United States fishery, the total allowable level of foreign fishing during the 1979 harvesting season.

"(B) The term 'harvesting season' means the period established under this Act by the Secretary during which foreign fishing is permitted within a United States fishery. For purposes of this subsection, a harvesting season is designated by the calendar year in which the last day of the harvesting season occurs, regardless whether fishing is not permitted on that day due to emergency or other closure of the fishery.

"(C) The term 'calculation factor' means, with respect to each United States fishery, 15 percent of the base harvest.

"(D) The term 'reduction factor amount' means, with respect to each United States fishery, for any harvesting season after the 1980 harvesting season—

"(i) an amount equal to 15 percent of the base harvest for that fishery, if, in addition to the level of harvest by vessels of the United States in the designated preceding harvesting season for the fishery, such vessels harvest, in one or more harvesting seasons, not less than 75 percent of the calculation factor;

"(ii) an amount equal to 10 percent of the base harvest for the fishery, if, in addition to the level of harvest by vessels of the United States in the designated preceding harvesting season for the fishery, such vessels harvest, in one or more harvesting seasons, not less than 50 percent, but less than 75 percent, of the calculation factor; or

"(iii) an amount equal to 5 percent of the base harvest for the fishery, if, in addition to the level of harvest by vessels of the United States in the designated previous harvesting season for the fishery, such vessels harvest, in one or more harvesting seasons, not less than 25 percent, but less than 50 percent, of the calculation factor.

For purposes of this paragraph, the term 'designated preceding harvest season' means—

"(I) until a reduction factor amount is first achieved under this paragraph with respect to the fishery concerned, the 1979 harvesting season, and

"(II) after such amount is first achieved, the most recent harvesting season in which a reduction factor amount was achieved.

"(E) The term 'annual fishing level' for any United States fishery during any harvesting season after the 1980 harvesting season is the base harvest for the fishery reduced by—

"(i) an amount equal to the reduction factor amount for that harvesting season; and "(ii) an amount equal to the increased level of harvest by vessels of the United States over the level achieved by such vessels in the 1979 harvesting season for the fishery.

"(F) The term 'United States fishery' means any fishery subject to the exclusive fishery management authority of the United States.

Foreign fishing, total allowable level.

"(2) The total allowable level of foreign fishing, if any, with respect to any United States fishery for each harvesting season after the 1980 harvesting season shall be—

"(A) the level representing that portion of the optimum yield of such fishery that will not be harvested by vessels of the United States as determined in accordance with the provisions of this Act (other than those relating to the determination of annual fishing levels), or

"(B) the annual fishing level determined pursuant to paragraph (3) for the harvesting season.

Annual fishing level.

"(3) For each United States fishery, the appropriate fishery management council, on a timely basis, may determine and certify to the Secretary of State and the Secretary the annual fishing level for that fishery for each harvesting season after the 1980 harvesting season.

Allowable levels, allocation.

"(4) If with respect to any harvesting season for any United States fishery for which the total allowable level of foreign fishing is determined under paragraph (2)(B), the Secretary, in consultation with the Secretary of State, approves the determination by any appropriate fishery management council that any portion of the optimum yield for that harvesting season will not be harvested by vessels of the United States, the Secretary of State, in accordance with subsection (e), shall allocate such portion for use during that harvesting season by foreign fishing vessels; except that if—

"(A) the making available of such portion (or any part thereof) during that harvesting season is determined to be detrimental to the development of the United States fishing industry; and

"(B) such portion or part will be available for harvest in the immediately succeeding harvesting season, as determined on the basis of the best available scientific information;

then such portion or part shall be allocated for use by foreign fishing vessels in such succeeding harvesting season. The determinations required to be made under subparagraphs (A) and (B) of the preceding sentence shall be made by the Secretary in consultation with the Secretary of State and on the basis of any recomendation of any appropriate fishery management council.".

SEC. 231. ALLOCATION OF ALLOWABLE LEVELS OF FOREIGN FISHING.

(a) AMENDMENTS.—The last sentence of section 201(e)(1) of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1821(e)(1)) is amended to read as follows: "All such determinations shall be made by the Secretary of State and the Secretary on the basis of—

"(A) whether, and to what extent, such nations impose tariff barriers or nontariff barriers on the importation, or otherwise restrict the market access, of United States fish or fishery products;

"(B) whether, and to what extent, such nations are cooperating with the United States in the advancement of existing and new opportunities for fisheries trade, particularly through the purchase of fish or fishery products from United States processors or from United States fishermen;

"(C) whether, and to what extent, such nations and the fishing fleets of such nations have cooperated with the United States in the enforcement of United States fishing regulations;

"(D) whether, and to what extent, such nations require the fish harvested from the fishery conservation zone for their domestic consumption;

"(E) whether, and to what extent, such nations otherwise contribute to, or foster the growth of, a sound and economic United States fishing industry, including minimizing gear conflicts with fishing operations of United States fishermen, and transferring harvesting or processing technology which will benefit the United States fishing industry;

"(F) whether, and to what extent, the fishing vessels of such nations have traditionally engaged in fishing in such fishery;

"(G) whether, and to what extent, such nations are cooperating with the United States in, and making substantial contributions to fishery research and the identification of fishery resources; and

"(H) such other matters as the Secretary of State, in cooperation with the Secretary, deems appropriate.".

16 USC 1821 note.

(b) TAKING EFFECT OF AMENDMENTS.—The amendments made by subsection (a) shall apply with respect to the 1981 harvesting season and harvesting seasons thereafter (as defined in section 201(d)(1) of the Fishery Conservation and Management Act of 1976, as amended by section 301).

Ante, p. 3296.

SEC. 232. PERMIT FEES.

(a) INTERIM FEES.—(1) Effective with respect to permits issued under section 204(b) of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1824(b)(10)) for 1981, paragraph (10) of such section is amended by striking out the last sentence thereof and inserting in lieu thereof the following: "Such fees shall be formulated so as to ensure that the receipts resulting from the payment of the fees under this paragraph for permits issued for 1981 are not less than an amount equal to 7 percent of the ex vessel value of the total harvest by foreign fishing vessels in the fishery conservation zone during 1979. The fees collected by the Secretary under this paragraph for permits issued for 1981 shall be transferred to the fisheries loan fund established under section 4 of the Fish and Wildlife Act of 1956 (16 U.S.C. 742c) and used for the purpose of making loans therefrom, but only to the extent and in amounts provided for in advance in appropriation Acts.".

(b) PERMANENT FEES.—Effective with respect to permits issued under section 204(b) of such Act of 1976 after 1981, paragraph (10) of such section is amended to read as follows—

"(10) FEES.—Fees shall be paid to the Secretary by the owner or operator of any foreign fishing vessel for which a permit is issued pursuant to this subsection. The Secretary, in consultation with the Secretary of State, shall establish a schedule of such fees which shall apply nondiscriminatorily to each foreign nation. The fees imposed under this paragraph shall be at least in an amount sufficient to return to the United States an amount which bears to the total cost of carrying out the provisions of this Act (including, but not limited to, fishery conservation and management, fisheries research, administration, and enforcement, but excluding costs for observers covered by surcharges under section 201(i)(4)) during each fiscal year the same ratio as the aggregate quantity of fish harvested by foreign fishing

Schedule.

Post, p. 3299.

vessels within the fishery conservation zone during the preceding year bears to the aggregate quantity of fish harvested by both foreign and domestic fishing vessels within such zone and the territorial waters of the United States during such preceding year. The amount collected by the Secretary under this paragraph shall be transferred to the fisheries loan fund established under section 4 of the Fish and Wildlife Act of 1956 (16 U.S.C. 742c) for so long as such fund exists and used for the purpose of making loans therefrom, but only to the extent and in amounts provided for in advance in appropriation Acts.".

SEC. 233. FISHERY DEVELOPMENT OBJECTIVES.

Section 2(b)(6) of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801(b)(6)) is amended by inserting immediately before the period at the end thereof the following: ", and to that end, to ensure that optimum yield determinations promote such development".

SEC. 234. FISHERY MANAGEMENT COUNCIL TRAVEL FUNDS.

The second sentence of section 302(d) of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1852(d)) is amended by striking out the period and inserting in lieu thereof the following: ", and other nonvoting members may be reimbursed for actual expenses".

SEC. 235. NOTICE OF AVAILABILITY OF MANAGEMENT PLANS.

Section 305(a) of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1855(a)) is amended by inserting "a notice of availability of" immediately after "Federal Register (A)".

SUBPART 2—FULL OBSERVER COVERAGE PROGRAM

SEC. 236. ESTABLISHMENT OF FULL OBSERVER COVERAGE PROGRAM.

Section 201 of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1821) is amended by adding at the end thereof the following new subsection:

"(i) Full Observer Coverage Program.—(1) Except as provided in paragraph (2), the Secretary shall establish a program under which a United States observer will be stationed aboard each foreign fishing vessel while that vessel is engaged in fishing within the fishery conservation zone.

Waiver.

"(2) The requirement in paragraph (1) that a United States observer be placed aboard each foreign fishing vessel may be waived by the Secretary if he finds that—

"(A) in a situation where a fleet of harvesting vessels transfers its catch taken within the fishery conservation zone to another vessel, aboard which is a United States observer, the stationing of United States observers on only a portion of the harvesting vessel fleet will provide a representative sampling of the by-catch of the fleet that is sufficient for purposes of determining whether the requirements of the applicable management plans for the by-catch species are being complied with;

"(B) with respect to any foreign fishing vessel while it is engaged in fishing within the fishery conservation zone—

"(i) the time during which the vessel engages in such fishing will be of such short duration that the placing of a United States observer aboard the vessel would be impractical, or "(ii) the facilities of the vessel for the quartering of a United States observer, or for the carrying out of observer functions, are so inadequate or unsafe that the health or safety of an observer would be jeopardized; or

"(C) for reasons beyond the control of the Secretary, an observer is not available.

"(3) United States observers, while aboard foreign fishing vessels, shall carry out such scientific and other functions as the Secretary deems necessary or appropriate to carry out the purposes of this Act.

Ante, p. 3298.

"(4) In addition to any fee imposed under section 204(b)(10) of this Act and section 10(e) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1980(e)) with respect to foreign fishing for any year after 1980, the Secretary shall impose, with respect to each foreign fishing vessel for which a permit is issued under such section 204, a surcharge in an amount sufficient to cover all the costs of providing a United States observer aboard that vessel. The failure to pay any surcharge imposed under this paragraph shall be treated by the Secretary as a failure to pay the permit fee for such vessel under section 204(b)(10). All surcharges collected by the Secretary under this paragraph shall be deposited in the Foreign Fishing Observer Fund established by paragraph (5).

Foreign Fishing Observer Fund. Establishment.

"(5) There is established in the Treasury of the United States the Foreign Fishing Observer Fund. The Fund shall be available to the Secretary as a revolving fund for the purpose of carrying out this subsection. The Fund shall consist of the surcharges deposited into it as required under paragraph (4). All payments made by the Secretary to carry out this subsection shall be paid from the Fund, only to the extent and in the amounts provided for in advance in appropriation Acts. Sums in the Fund which are not currently needed for the purposes of this subsection shall be kept on deposit or invested in obligations of, or guaranteed by, the United States.".

16 USC 1821 note.

SEC. 237. EFFECTIVE DATE.

The amendment made by section 236 shall take effect October 1, 1981, and shall apply with respect to permits issued under section 204 of the Fishery Conservation and Management Act of 1976 after December 31, 1981.

16 USC 1824.

16 USC 1801 note.

SEC. 238. SHORT TITLE.

(a) Effective 15 days after the date of enactment of this title, section 1 of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801) is amended to read as follows: "That this Act may be cited as the 'Magnuson Fishery Conservation and Management Act'.".

(b) Effective 15 days after the date of enactment of this title, all references to the Fishery Conservation and Management Act of 1976 shall be redesignated as references to the Magnuson Fishery Conservation and Management Act.

PART D—MISCELLANEOUS PROVISIONS

22 USC 1980 note.

SEC. 240. APPLICATIONS AND FILINGS FOR COMPENSATION FOR CERTAIN FISHING VESSEL AND GEAR DAMAGE.

(a) IN GENERAL.—If—

(1) any owner or operator of a fishing vessel who suffered, after September 17, 1978, and before the date of the enactment of this title, damage to, or loss or destruction of, such vessel or fishing gear used with such vessel, but did not apply for compensation therefor under section 10 of the Fishermen's Protective Act of

1967 (22 U.S.C. 1980) within the 60-day period prescribed in subsection (c)(1) of such section; or

(2) any commercial fisherman who suffered, after September 17, 1978, and before the date of the enactment of this title, damages compensable under title IV of the Outer Continental Shelf Lands Act of 1978 (43 U.S.C. 1841 et seq.), but who did not timely file a claim therefor within the 60-day period prescribed in section 405(a) of such Act; 43 USC 1845.

such owner or operator may make application for compensation with respect to such damage, loss or destruction under such section 10, and such commercial fisherman may file a claim for, compensation for such damages under such title IV, to the Secretary of Commerce, within the 60-day period beginning on the date of the enactment of this title.

(b) SPECIAL PROVISIONS.—(1) Notwithstanding any other provision of law—

(A) any application or filing timely made under subsection (a) shall be treated by the Secretary of Commerce as an application timely made under such section 10(c)(1), or as a filing timely made under such section 405(a), as the case may be, with respect to the damage, loss, or destruction claimed; and 22 USC 1980. 43 USC 1845.

(B) any claim for fishing gear loss that was pending on June 1, 1980, before the United States-Union of Soviet Socialist Republics Fisheries Claims Board or the American-Spanish Fisheries Board shall be treated by the Secretary of Commerce as a timely application made, on the date of the enactment of this title, under such section 10(c)(1) for compensation for such loss.

(2) Section 403(c)(2)(A) of the Outer Continental Shelf Lands Act Amendments of 1978 (43 U.S.C. 1843(c)(2)(A)) is amended by striking out the semicolon at the end thereof and inserting in lieu thereof "and the party admits responsibility;".

SEC. 241. AMENDMENTS TO FISHERMEN'S PROTECTIVE ACT OF 1967.

Section 10 of the Fishermen's Protective Act of 1967 (22 U.S.C. 1980) is amended as follows:

(1) Subsection (a) is amended by adding at the end thereof the following:

"(4) The term 'resulting economic loss' means the gross income, as estimated by the Secretary, that a fishing vessel owner or operator who is eligible for compensation under this section for damage to, loss of, or destruction of, a fishing vessel or the fishing gear used with such vessel will lose by reason of not being able to engage in fishing, or having to reduce his fishing effort, during the period before the vessel or gear, or both, are repaired or replaced and available for use.". "Resulting economic loss."

(2) Subsection (b) is amended—

(A) by inserting "and for any resulting economic loss", immediately after ", or both," in the matter preceding paragraph (1); and

(B) by striking out paragraph (2)(B) and inserting in lieu thereof the following:

"(B) is attributable to any other vessel, whether or not such vessel is a vessel of the United States.

For purposes of subparagraph (B), there shall be a rebuttable presumption that any damage, loss, or destruction of fishing gear is attributable to another vessel.".

(3) Subsection (c) is amended by inserting "and resulting economic loss" immediately after "destruction" in the matter appearing immediately before paragraph (1).

(4) Subsection (d) is amended—

(A) by inserting ", and resulting economic loss," immediately after "destruction" in paragraph (1); and

(B) by amending paragraph (2) to read as follows:

"(2) The amount of compensation awarded to any vessel owner under this section shall be—

"(A) the depreciated replacement cost, or the repair cost, whichever cost is less, of the fishing vessel or the fishing gear concerned; and

"(B) 25 percent of any resulting economic loss.

Any amount determined pursuant to subparagraph (A) or (B) shall be reduced to the extent that evidence indicates that negligence by the vessel owner or operator contributed to the cause or the extent of the damage, loss, or destruction and shall be further reduced by the amount of compensation, if any, that the vessel owner or operator has received or will receive with respect to the damage, loss, destruction, or resulting economic loss through insurance, pursuant to any other provision of law, or otherwise.".

Approved December 22, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-1243, pt. 1 accompanying H.R. 6959 (Comm. on Merchant Marine and Fisheries) and No. 96-1243, pt. 2 accompanying H.R. 6959 (Comm. on Interior and Insular Affairs).

SENATE REPORT No. 96-667 (Comm. on Commerce, Science, and Transportation and Comm. on Environment and Public Works).

CONGRESSIONAL RECORD, Vol. 126 (1980):

May 5, considered and passed Senate.

Sept. 23, H.R. 6959 considered and passed House; passage vacated and S. 2163, amended, passed in lieu.

Dec. 3, Senate concurred in House amendments with an amendment.

Dec. 4, House concurred in Senate amendment.

Public Law 96-562
96th Congress

An Act

To designate the "John D. Larkins, Jr., Federal Building".

Dec. 22, 1980
[S. 1824]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal building located at Market Street, Trenton, North Carolina, is hereby designated as the "John D. Larkins, Jr., Federal Building". Any reference in any law, regulation, document, record, map, or other paper of the United States to such building shall be considered to be a reference to the John D. Larkins, Jr., Federal Building.

John D. Larkins, Jr., Federal Building. Designation.

Approved December 22, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1168 accompanying H.R. 4231 (Comm. on Public Works and Transportation).
CONGRESSIONAL RECORD, Vol. 126 (1980):
Aug. 18, H.R. 4231 considered and passed House.
Dec. 5, H.R. 4231 considered and passed Senate, amended.
Dec. 12, S. 1824 considered and passed Senate.
Dec. 13, considered and passed House.

Public Law 96-563
96th Congress

Joint Resolution

Dec. 22, 1980
[H.J. Res. 615]

Providing for appointment of David C. Acheson as a citizen regent of the Board of Regents of the Smithsonian Institution.

Smithsonian Institution.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the vacancy in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, caused by expiration of the term of Caryl P. Haskins of the District of Columbia on August 30, 1980, is filled by appointment of David C. Acheson of the District of Columbia for the statutory term of six years.

Approved December 22, 1980.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 126 (1980):
Oct. 1, considered and passed House.
Dec. 11, considered and passed Senate.

Public Law 96-564
96th Congress

An Act

To grant the consent of the United States to the Red River Compact among the States of Arkansas, Louisiana, Oklahoma, and Texas.

Dec. 22, 1980
[S. 2227]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Arkansas, Louisiana, Oklahoma and Texas Red River Compact. Congressional consent.

SECTION 1. The consent of Congress is hereby given to the Red River Compact among the States of Arkansas, Louisiana, Oklahoma, and Texas, of May 12, 1978, as ratified by the States of Arkansas, Louisiana, Oklahoma, and Texas, as follows:

PREAMBLE

The States of Arkansas, Louisiana, Oklahoma, and Texas, pursuant to the acts of their respective Governors or legislatures, or both, being moved by considerations of interstate comity, have resolved to compact with respect to the water of the Red River and its tributaries. By Act of Congress, Public Law No. 346 (84th Congress, First Session), the consent of the United States has been granted for said States to negotiate and enter into a compact providing for an equitable apportionment of such water; and pursuant to that Act the President has designated the representative of the United States.

Further, the consent of Congress has been given for two or more States to negotiate and enter into agreements relating to water pollution control by the provisions of the Federal Water Pollution Control Act (Public Law 92-500, 33 U.S.C. 1251 et seq.).

The Signatory States acting through their duly authorized Compact Commissioners, after several years of negotiations, have agreed to an equitable apportionment of the water of the Red River and its tributaries and do hereby submit and recommend that this compact be adopted by the respective legislatures and approved by Congress as hereinafter set forth:

ARTICLE I

PURPOSES

SECTION 1.01. The principal purposes of this Compact are:

(a) To promote interstate comity and remove causes of controversy between each of the affected states by governing the use, control and distribution of the interstate water of the Red River and its tributaries;

(b) To provide an equitable apportionment among the Signatory States of the water of the Red River and its tributaries;

(c) To promote an active program for the control and alleviation of natural deterioration and pollution of the water of the Red River Basin and to provide for enforcement of the laws related thereto;

(d) To provide the means for an active program for the conservation of water, protection of lives and property from floods, improvement of water quality, development of navigation and regulation of flows in the Red River Basin; and

(e) To provide a basis for state or joint state planning and action by ascertaining and identifying each state's share in the interstate water of the Red River Basin and the apportionment thereof.

ARTICLE II

GENERAL PROVISIONS

SECTION 2.01. Each Signatory State may use the water allocated to it by this Compact in any manner deemed beneficial by that state. Each state may freely administer water rights and uses in accordance with the laws of that state, but such uses shall be subject to the availability of water in accordance with the apportionments made by this Compact.

SECTION 2.02. The use of water by the United States in connection with any individual Federal project shall be in accordance with the Act of Congress authorizing the project and the water shall be charged to the state or states receiving the benefit therefrom.

SECTION 2.03. Any Signatory State using the channel of Red River or its tributaries to convey stored water shall be subject to an appropriate reduction in the amount which may be withdrawn at the point of removal to account for transmission losses.

SECTION 2.04. The failure of any state to use any portion of the water allocated to it shall not constitute relinquishment or forfeiture of the right to such use.

Storage facilities.

SECTION 2.05. Each Signatory State shall have the right to:

(a) Construct conservation storage capacity for the impoundment of water allocated by this Compact;

(b) Replace within the same area any storage capacity recognized or authorized by this Compact made unusable by any cause, including losses due to sediment storage;

(c) Construct reservoir storage capacity for the purposes of flood and sediment control as well as storage of water which is either imported or is to be exported if such storage does not adversely affect the delivery of water apportioned to any other Signatory State; and

(d) Use the bed and banks of the Red River and its tributaries to convey stored water, imported or exported water, and water apportioned according to this Compact.

SECTION 2.06. Signatory States may cooperate to obtain construction of facilities of joint benefits to such states.

SECTION 2.07. Nothing in this Compact shall be deemed to impair or affect the powers, rights, or obligations of the United States, or those claiming under its authority, in, over and to water of the Red River Basin.

SECTION 2.08. Nothing in this Compact shall be construed to include within the water apportioned by this Compact any water consumed in each state by livestock or for domestic purposes: *Provided, however,* the storage of such water is in accordance with the laws of the respective states but any such impoundment shall not exceed 200 acre-feet, or such smaller quantity as may be provided for by the laws of each state.

SECTION 2.09. In the event any state shall import water into the Red River Basin from any other river basin, the Signatory State making the importation shall have the use of such imported water.

SECTION 2.10. Nothing in this Compact shall be deemed to:

(a) Interfere with or impair the right or power of any Signatory State to regulate within its boundaries the appropriation, use, and control of water, or quality of water, not inconsistent with its obligations under this Compact;

(b) Repeal or prevent the enactment of any legislation or the enforcement of any requirement by any Signatory State imposing any additional conditions or restrictions to further lessen or prevent the pollution or natural deterioration of water within its jurisdiction; provided nothing contained in this paragraph shall alter any provision of this Compact dealing with the apportionment of water or the rights thereto; or

(c) Waive any state's immunity under the Eleventh Amendment of the Constitution of the United States, or as constituting the consent of any state to be sued by its own citizens.

Waiver.

SECTION 2.11. Accounting for apportionment purposes on interstate streams shall not be mandatory under the terms of the Compact until one or more affected states deem the accounting necessary.

SECTION 2.12. For the purposes of apportionment of the water among the Signatory States, the Red River is hereby divided into the following major subdivision:

Description.

(a) Reach I—the Red River and tributaries from the New Mexico-Texas State boundary to Denison Dam;

(b) Reach II—the Red River from Denison Dam to the point where it crosses the Arkansas-Louisiana state boundary and all tributaries which contribute to the flow of the River within this reach;

(c) Reach III—the tributaries west of the Red River which cross the Texas-Louisiana state boundary, the Arkansas-Louisiana state boundary, and those which cross both the Texas-Arkansas state boundary and the Arkansas-Louisiana state boundary;

(d) Reach IV—the tributaries east of the Red River in Arkansas which cross the Arkansas-Louisiana state boundary; and

(e) Reach V—that portion of the Red River and tributaries in Louisiana not included in Reach III or in Reach IV.

SECTION 2.13. If any part or application of this Compact shall be declared invalid by a court of competent jurisdiction, all other severable provisions and applications of this Compact shall remain in full force and effect.

SECTION 2.14. Subject to the availability of water in accordance with this Compact, nothing in this Compact shall be held or construed to alter, impair, or increase, validate, or prejudice any existing water right or right of water use that is legally recognized on the effective date of this Compact by either statutes or courts of the Signatory State within which it is located.

ARTICLE III

DEFINITIONS

SECTION 3.01. In this Compact:

(a) The States of Arkansas, Louisiana, Oklahoma, and Texas are referred to as "Arkansas," "Louisiana," "Oklahoma," and "Texas," respectively, or individually as "State" or "Signatory State," or collectively as "States" or "Signatory States."

(b) The term "Red River" means the stream below the crossing of the Texas-Oklahoma state boundary at longitude 100 degrees west.

(c) The term "Red River Basin" means all of the natural drainage area of the Red River and its tributaries east of the New Mexico-Texas state boundary and above its junction with Atchafalaya and Old Rivers.

(d) The term "water of the Red River Basin" means the water originating in any part of the Red River Basin and flowing to or in the Red River or any of its tributaries.

(e) The term "tributary" means any stream which contributes to the flow of the Red River.

(f) The term "interstate tributary" means a tributary of the Red River, the drainage area of which includes portions of two or more Signatory States.

(g) The term "intrastate tributary" means a tributary of the Red River, the drainage area of which is entirely within a single Signatory State.

(h) The term "Commission" means the agency created by Article IX of this Compact for the administration thereof.

(i) The term "pollution" means the alteration of the physical, chemical or biological characteristics of water by the acts or instrumentalities of man which create or are likely to result in a material and adverse effect upon human beings, domestic or wild animals, fish and other aquatic life, or adversely affect any other lawful use of such water; *provided,* that for the purpose of this Compact, "pollution" shall not mean or include "natural deterioration."

(j) The term "natural deterioration" means the material reduction in the quality of water resulting from the leaching of solubles from the soils and rocks through or over which the water flows naturally.

(k) The term "designated water" means water released from storage, paid for by non-Federal interests, for delivery to a specific point of use or diversion.

(l) The term "undesignated water" means all water released from storage other than "designated water."

(m) The term "conservation storage capacity" means that portion of the active capacity of reservoirs available for the storage of water for subsequent beneficial use, and it excludes any portion of the capacity of reservoirs allocated solely to flood control and sediment control, or either of them.

(n) The term "runoff" means both the portion of precipitation which runs off the surface of a drainage area and that portion of the precipitation that enters the streams after passing through the portions of the earth.

ARTICLE IV

APPORTIONMENT OF WATER—REACH I

OKLAHOMA—TEXAS

Subdivision of Reach I and Apportionment of Water Therein

Reach I of the Red River is divided into topographic subbasins, with the water therein allocated as follows:

SECTION 4.01. Subbasin 1—Interstate streams—Texas.

(a) This includes the Texas portion of Buck Creek, Sand (lebos) Creek, Salt Fork Red River, Elm Creek, North Fork Red River, Sweetwater Creek, and Washita River, together with all their tributaries in Texas which lie west of the 100th Meridian.

(b) The annual flow within this subbasin is hereby apportioned sixty (60) percent to Texas and forty (40) percent to Oklahoma.

SECTION 4.02. Subbasin 2—Intrastate and Interstate streams—Oklahoma.

(a) This subbasin is composed of all tributaries of the Red River in Oklahoma and portions thereof upstream to the Texas-Oklahoma state boundary at longitude 100 degrees west, beginning from Denison Dam and upstream to and including Buck Creek.

(b) The State of Oklahoma shall have free and unrestricted use of the water of this subbasin.

SECTION 4.03. Subbasin 3—Intrastate streams—Texas.

(a) This includes the tributaries of the Red River in Texas, beginning from Denison Dam and upstream to and including Prairie Dog Town Fork Red River.

(b) The State of Texas shall have free and unrestricted use of the water in this subbasin.

SECTION 4.04. Subbasin 4—Mainstem of the Red River and Lake Texoma.

(a) This subbasin includes all of Lake Texoma and the Red River beginning at Denison Dam and continuing upstream to the Texas-Oklahoma state boundary at longitude 100 degrees west.

(b) The storage of Lake Texoma and flow from the mainstem of the Red River into Lake Texoma is apportioned as follows:

(1) Oklahoma 200,000 acre-feet and Texas 200,000 acre-feet, which quantities shall include existing allocations and uses; and

(2) Additional quantities in a ratio of fifty (50) percent to Oklahoma and fifty (50) percent to Texas.

SECTION 4.05. Special Provisions.

(a) Texas and Oklahoma may construct, jointly or in cooperation with the United States, storage or other facilities for the conservation and use of water; provided that any facilities constructed on the Red River boundary between the two states shall not be inconsistent with the Federal legislation authorizing Denison Dam and Reservoir project.

Dam construction.

(b) Texas shall not accept for filing, or grant a permit, for the construction of a dam to impound water solely for irrigation, flood control, soil conservation, mining and recovery of minerals, hydroelectric power, navigation, recreation and pleasure, or for any other purpose other than for domestic, municipal, and industrial water supply, on the mainstem of the North Fork Red River or any of its tributaries within Texas above Lugert-Altus Reservoir until the date that imported water, sufficient to meet the municipal and irrigation needs of Western Oklahoma is provided, or until January 1, 2000, whichever occurs first.

ARTICLE V

APPORTIONMENT OF WATER—REACH II

ARKANSAS, OKLAHOMA, TEXAS, AND LOUISIANA

Subdivision of Reach II and Allocation of Water Therein

Reach II of the Red River is divided into topographic subbasins, and the water therein is allocated as follows:

SECTION 5.01. Subbasin 1—Intrastate streams—Oklahoma.

(a) This subbasin includes those streams and their tributaries above existing, authorized and proposed last downstream major damsites, wholly in Oklahoma and flowing into Red River below Denison Dam and above the Oklahoma-Arkansas state boundary. These streams and their tributaries with existing authorized and proposed last downstream major damsites are as follows:

Stream	Site	Ac-ft	Location	
			Latitude	Longitude
Island-Bayou	Albany	85,200	33°51.5′ N	96°11.4′ W.
Blue River	Durant	147,000	33°55.5′ N	96°04.2′ W.
Boggy River	Boswell	1,243,800	34°01.6′ N	95°45.0′ W.
Kiamichi River	Hugo	240,700	34°01.0′ N	95°22.6′ W.

(b) Oklahoma is apportioned the water of this subbasin and shall have unrestricted use thereof.

SECTION 5.02. Subbasin 2—Intrastate streams—Texas.

(a) This subbasin includes those streams and their tributaries above existing authorized or proposed last downstream major damsites, wholly in Texas and flowing into Red River below Denison Dam and above the Texas-Arkansas state boundary. These streams and their tributaries with existing, authorized or proposed last downstream major damsites are as follows:

Stream	Site	Ac-ft	Location	
			Latitude	Longitude
Shawnee Creek	Randall Lake	5,400	33°48.1′ N	96°34.8′ W.
Brushy Creek	Valley Lake	15,000	33°38.7′ N	96°21.5′ W.
Bois d'Arc Creek	New Bonham Reservoir.	130,600	33°42.9′ N	95°58.2′ W.
Coffee Mill Creek	Coffee Mill Lake	8,000	33°44.1′ N	95°58.0′ W.
Sandy Creek	Lake Crockett	3,900	33°44.5′ N	95°55.5′ W.
Sanders Creek	Pat Mayse	124,500	33°51.2′ N	95°32.9′ W.
Pine Creek	Lake Crook	11,011	33°43.7′ N	95°34.0′ W.
Big Pine Creek	Big Pine Lake	138,600	33°52.0′ N	95°11.7′ W.
Pecan Bayou	Pecan Bayou	625,000	33°41.1′ N	94°58.7′ W.
Mud Creek	Liberty Hill	97,700	33°33.0′ N	94°29.3′ W.
Mud Creek	KVW Ranch Lakes (3).	3,440	33°34.8′ N	94°27.3′ W.

(b) Texas is apportioned the water of this subbasin and shall have unrestricted use thereof.

SECTION 5.03. Subbasin 3—Interstate Streams—Oklahoma and Arkansas.

(a) This subbasin includes Little River and its tributaries above Millwood Dam.

(b) The States of Oklahoma and Arkansas shall have free and unrestricted use of the water of this subbasin within their respective states, subject, however, to the limitation, that Oklahoma shall allow a quantity of water equal to 40 percent of the total runoff originating below the following existing, authorized or proposed last downstream major damsites in Oklahoma to flow into Arkansas:

Stream	Site	Ac-ft	Location	
			Latitude	Longitude
Little River	Pine Creek	70,500	34°06.8′ N	95°04.9′ W.
Glover Creek	Lukfata	258,600	34°08.5′ N	94°55.4′ W.
Mountain Fork River.	Broken Bow	470,100	34°08.9′ N	94°41.2′ W.

(c) Accounting will be on an annual basis unless otherwise deemed necessary by the States of Arkansas and Oklahoma.

SECTION 5.04. Subbasin 4—Interstate streams—Texas and Arkansas.

(a) This subbasin shall consist of those streams and their tributaries above existing, authorized or proposed last downstream major damsites, originating in Texas and crossing the Texas-Arkansas state boundary before flowing into the Red River in Arkansas. These streams and their tributaries with existing, authorized or proposed last downstream major damsites are as follows:

Stream	Site	Ac-ft	Location	
			Latitude	Longitude
McKinney Bayou Trib.	Bringle Lake	3,052	33°30.6′ N	94°06.2′ W.
Barkman Creek	Barkman Reservoir.	15,900	33°29.7′ N	94°10.3′ W.
Sulphur River	Texarkana	386,900	33°18.3′ N	94°09.6′ W.

(b) The State of Texas shall have the free and unrestricted use of the water of this subbasin.

SECTION 5.05. Subbasin 5—Mainstream of the Red River and tributaries.

(a) This subbasin includes that portion of the Red River, together with its tributaries, from Denison Dam down to the Arkansas-Louisiana state boundary, excluding all tributaries included in the other four subbasins of Reach II.

(b) Water within this subbasin is allocated as follows:

(1) The Signatory States shall have equal rights to the use of runoff originating in subbasin 5 and undesignated water flowing into subbasin 5, so long as the flow of the Red River at the Arkansas-Louisiana state boundary is 3,000 cubic feet per second or more, provided no state is entitled to more than 25 percent of the water in excess of 3,000 cubic feet per second.

(2) Whenever the flow of the Red River at the Arkansas-Louisiana state boundary is less than 3,000 cubic feet per second, but more than 1,000 cubic feet per second, the States of Arkansas, Oklahoma, and Texas shall allow to flow into the Red River for delivery to the State of Louisiana a quantity of water equal to 40 percent of the total weekly runoff originating in subbasin 5 and 40 percent of undesignated water flowing into subbasin 5: *Provided, however,* That this requirement shall not be interpreted to require any state to release stored water.

(3) Whenever the flow of the Red River at the Arkansas-Louisiana state boundary falls below 1,000 cubic feet per second, the States of Arkansas, Oklahoma, and Texas shall allow a

quantity of water equal to all the weekly runoff originating in subbasin 5 and all undesignated water flowing in subbasin 5 within their respective states to flow into the Red River as required to maintain a 1,000 cubic foot per second flow at the Arkansas-Louisiana state boundary.

(c) Whenever the flow at Index, Arkansas, is less than 526 c.f.s., the states of Oklahoma and Texas shall each allow a quantity of water equal to 40 percent of the total weekly runoff originating in subbasin 5 within their respective states to flow into the Red River: *Provided, however,* this provision shall be invoked only at the request of Arkansas, only after Arkansas has ceased all diversions from the Red River itself in Arkansas above Index, and only if the provisions of Subsections 5.05(b) (2) and (3) have not caused a limitation of diversions in subbasin 5.

(d) No state guarantees to maintain a minimum low flow to a downstream state.

SECTION 5.06. Special Provisions.

Reservoirs.

(a) Reservoirs within the limits of Reach II, subbasin 5, with a conservation storage capacity of 1,000 acre feet or less in existence or authorized on the date of the Compact pursuant to the rights and privileges granted by a Signatory State authorizing such reservoirs, shall be exempt from the provisions of Section 5.05; provided, if any right to store water in, or use water from, an existing exempt reservoir expires or is cancelled after the effective date of the Compact the exemption for such rights provided by this section shall be lost.

(b) A Signatory State may authorize a change in the purpose or place of use of water from a reservoir exempted by subparagraph (a) of this section without losing that exemption, if the quantity of authorized use and storage is not increased.

(c) Additionally, exemptions from the provisions of Section 5.05 shall not apply to direct diversions from Red River to off-channel reservoirs or lands.

ARTICLE VI

APPORTIONMENT OF WATER—REACH III

ARKANSAS, LOUISIANA, AND TEXAS

Subdivision of Reach III and Allocation of Water Therein

Reach III of the Red River is divided into topographic subbasins, and the water therein allocated, as follows:

SECTION 6.01. Subbasin 1—Interstate streams—Arkansas and Texas.

(a) This subbasin includes the Texas portion of those streams crossing the Arkansas-Texas state boundary one or more times and flowing through Arkansas into Cypress Creek-Twelve Mile Bayou watershed in Louisiana.

(b) Texas is apportioned sixty (60) percent of the runoff of this subbasin and shall have unrestricted use thereof; Arkansas is entitled to forty (40) percent of the runoff of this subbasin.

SECTION 6.02. Subbasin 2—Interstate streams—Arkansas and Louisiana.

(a) This subbasin includes the Arkansas portion of those streams flowing from Subbasin 1 into Arkansas, as well as other streams in Arkansas which cross the Arkansas-Louisiana state boundary one or more times and flow into Cypress Creek-Twelve Mile Bayou watershed in Louisiana.

(b) Arkansas is apportioned sixty (60) percent of the runoff of this subbasin and shall have unrestricted use thereof; Louisiana is entitled to forty (40) percent of the runoff of this subbasin.

SECTION 6.03. Subbasin 3—Interstate streams—Texas and Louisiana.

(a) This subbasin includes the Texas portion of all tributaries crossing the Texas-Louisiana state boundary one or more times and flowing into Caddo Lake, Cypress Creek-Twelve Mile Bayou or Cross Lake, as well as the Louisiana portion of such tributaries.

(b) Texas and Louisiana within their respective boundaries shall each have the unrestricted use of the water of this subbasin subject to the following allocation:

(1) Texas shall have the unrestricted right to all water above Marshall, Lake O' the Pines, and Black Cypress damsites; however, Texas shall not cause runoff to be depleted to a quantity less than that which would have occurred with the full operation of Franklin County, Titus County, Ellison Creek, Johnson Creek, Lake O' the Pines, Marshall, and Black Cypress Reservoirs constructed, and those other impoundments and diversions existing on the effective date of this Compact. Any depletions of runoff in excess of the depletions described above shall be charged against Texas' apportionment of the water in Caddo Reservoir.

(2) Texas and Louisiana shall each have the unrestricted right to use fifty (50) percent of the conservation storage capacity in the present Caddo Lake for the impoundment of water for state use, subject to the provision that supplies for existing uses of water from Caddo Lake, on date of Compact, are not reduced.

(3) Texas and Louisiana shall each have the unrestricted right to fifty (50) percent of the conservation storage capacity of any future enlargement of Caddo Lake, provided, the two states may negotiate for the release of each state's share of the storage space on terms mutually agreed upon by the two states after the effective date of this Compact.

(4) Inflow to Caddo Lake from its drainage area downstream from Marshall, Lake O' the Pines, and Black Cypress damsites and downstream from other last downstream dams in existence on the date of the signing of the Compact document by the Compact Commissioners, will be allowed to continue flowing into Caddo Lake except that any manmade depletions to this inflow by Texas will be subtracted from the Texas share of the water in Caddo Lake.

(c) In regard to the water of interstate streams which do not contribute to the inflow to Cross Lake or Caddo Lake, Texas shall have the unrestricted right to divert and use this water on the basis of a division of runoff above the state boundary of sixty (60) percent to Texas and forty (40) percent to Louisiana.

(d) Texas and Louisiana will not construct improvements on the Cross Lake watershed in either state that will affect the yield of Cross Lake; provided, however, this subsection shall be subject to the provisions of Section 2.08.

SECTION 6.04. Subbasin 4—Intrastate streams—Louisiana.

(a) This subbasin includes that area of Louisiana in Reach III not included within any other subbasin.

(b) Louisiana shall have free and unrestricted use of the water of this subbasin.

ARTICLE VII

APPORTIONMENT OF WATER—REACH IV

ARKANSAS AND LOUISIANA

Subdivision of Reach IV and Allocation of Water Therein

Reach IV of the Red River is divided into topographic subbasins, and the water therein allocated as follows:

SECTION 7.01. Subbasin 1—Intrastate streams—Arkansas.

(a) This subbasin includes those streams and their tributaries above last downstream major damsites originating in Arkansas and crossing the Arkansas-Louisiana state boundary before flowing into the Red River in Louisiana. Those major last downstream damsites are as follows:

Stream	Site	Ac-ft	Location	
			Latitude	Longitude
Ouachita River	Lake Catherine	19,000	34°26.6′ N	93°01.6′ W.
Caddo River	DeGray Lake	1,377,000	34°13.2′ N	93°06.6′ W.
Little Missouri River.	Lake Greeson	600,000	34°08.9′ N	93°42.9′ W.
Alum Fork, Saline River.	Lake Winona	63,264	32°47.8′ N	92°51.0′ W.

(b) Arkansas is apportioned the waters of this subbasin and shall have unrestricted use thereof.

SECTION 7.02. Subbasin 2—Interstate Streams—Arkansas and Louisiana.

(a) This subbasin shall consist of Reach IV less subbasin 1 as defined in Section 7.01(a) above.

(b) The State of Arkansas shall have free and unrestricted use of the water of this reach subject to the limitation that Arkansas shall allow a quantity of water equal to forty (40) percent of the weekly runoff originating below or flowing from the last downstream major damsite to flow into Louisiana. Where there are no designated last downstream damsites, Arkansas shall allow a quantity of water equal to forty (40) percent of the total weekly runoff originating above the state boundary to flow into Louisiana. Use of water in this subbasin is subject to low flow provisions of subparagraph 7.03(b).

SECTION 7.03. Special Provisions.

(a) Arkansas may use the beds and banks of segments of Reach IV for the purpose of conveying its share of water to designated downstream diversions.

(b) The State of Arkansas does not guarantee to maintain a minimum low flow for Louisiana in Reach IV. However, on the following streams when the use of water in Arkansas reduces the flow at the Arkansas-Louisiana state boundary to the following amounts:

(1) Ouachita—780 cfs
(2) Bayou Bartholomew—80 cfs
(3) Boeuf River—40 cfs
(4) Bayou Macon—40 cfs

the State of Arkansas pledges to take affirmative steps to regulate the diversions of runoff originating or flowing into Reach IV in such a manner as to permit an equitable apportionment of the runoff as set out herein to flow into the State of Louisiana. In its control and regulation of the water of Reach IV any adjudication or order rendered by the State of Arkansas or any of its instrumentalities or agencies affecting the terms of this Compact shall not be effective against the State of Louisiana nor any of its citizens or inhabitants until approved by the Commission.

Article VIII

APPORTIONMENT OF WATER—REACH V

Section 8.01. Reach V of the Red River consists of the mainstem Red River and all of its tributaries lying wholly within the State of Louisiana. The State of Louisiana shall have free and unrestricted use of the water of this subbasin.

Article IX

ADMINISTRATION OF THE COMPACT

Red River Compact Commission. Establishment.

Section 9.01. There is hereby created an interstate administrative agency to be known as the "Red River Compact Commission," hereinafter called the "Commission." The Commission shall be composed of two representatives from each Signatory State who shall be designated or appointed in accordance with the laws of each state, and one Commissioner representing the United States, who shall be appointed by the President. The Federal Commissioner shall be the Chairman of the Commission but shall not have the right to vote. The failure of the President to appoint a Federal Commissioner will not prevent the operation or effect of this Compact, and the eight representatives from the Signatory States will elect a Chairman for the Commission.

Section 9.02. The Commission shall meet and organize within 60 days after the effective date of this Compact. Thereafter, meetings shall be held at such times and places as the Commission shall decide.

Section 9.03. Each of the two Commissioners from each state shall have one vote: *Provided, however,* That if only one representative from a state attends he is authorized to vote on behalf of the absent Commissioner from that state. Representatives from three states shall constitute a quorum. Any action concerned with administration of this Compact or any action requiring compliance with specific terms of this Compact shall require six concurring votes. If a proposed action of the Commission affects existing water rights in a State, and that action is not expressly provided for in this Compact, eight concurring votes shall be required.

Section 9.04.

Salaries and expenses.

(a) The salaries and personal expenses of each state's representative shall be paid by the government that it represents, and the salaries and personal expenses of the Federal Commissioner will be paid for by the United States.

(b) The Commission's expenses for any additional stream flow gaging stations shall be equitably apportioned among the states involved in the reach in which the stream flow gaging stations are located.

Red River Compact Commission Fund.

(c) All other expenses incurred by the Commission shall be borne equally by the Signatory States and shall be paid by the Commission out of the "Red River Compact Commission Fund." Such Fund shall be initiated and maintained by equal payments of each state into the

Audits.

fund. Disbursement shall be made from the fund in such manner as may be authorized by the Commission. Such fund shall not be subject to audit and accounting procedures of the State; however, all receipts and disbursements of the fund by the Commission shall be audited by a qualified independent public accountant at regular intervals, and the report of such audits shall be included in and become a part of the annual report of the Commission. Each State shall have the right to make its own audit of the accounts of the Commission at any reasonable time.

ARTICLE X

POWERS AND DUTIES OF THE COMMISSION

SECTION 10.01. The Commission shall have the power to:

(a) Adopt rules and regulations governing its operation and enforcement of the terms of the Compact;

(b) Establish and maintain an office for the conduct of its affairs and, if desirable, from time to time, change its location;

(c) Employ or contract with such engineering, legal, clerical, and other personnel as it may determine necessary for the exercise of its functions under this Compact without regard to the Civil Service Laws of any Signatory State; provided that such employees shall be paid by and be responsible to the Commission and shall not be considered employees of any Signatory State;

(d) Acquire, use and dispose of such real and personal property as it may consider necessary;

(e) Enter into contracts with appropriate State or Federal agencies for the collection, correlation, and presentation of factual data, for the maintenance of records and for the preparation of reports;

(f) Secure from the head of any department or agency of the Federal or State government such information as it may need or deem to be useful for carrying out its functions and as may be available to or procurable by the department or agency to which the request is addressed; provided such information is not privileged and the department or agency is not precluded by law from releasing same;

(g) Make findings, recommendations, or reports in connection with carrying out the purposes of this compact, including, but not limited to, a finding that a Signatory State is or is not in violation of any of the provisions of this Compact. The Commission is authorized to make such investigations and studies, and to hold such hearings as it may deem necessary for said purposes. It is authorized to make and file official certified copies of any of its findings, recommendations or reports with such officers or agencies of any Signatory State, or the United States, as may have any interest in or jurisdiction over the subject matter. The making of finds, recommendations, or reports by the Commission shall not be a condition precedent to the instituting or maintaining of any action or proceeding of any kind by a Signatory State in any court or tribunal, or before any agency or officer, for the protection of any right under this Compact or for the enforcement of any of its provisions; and

(h) Print or otherwise reproduce and distribute its proceedings and reports.

SECTION 10.02. The Commission shall:

(a) Cause to be established, maintained, and operated such stream, reservoir and other gaging stations as are necessary for the proper administration of the Compact;

(b) Cause to be collected, analyzed and reported such information on stream flows, water quality, water storage and such other data as are necessary for the proper administration of the Compact;

(c) Perform all other functions required of it by the Compact and do all things necessary, proper and convenient in the performance of its duties thereunder;

Budget, submittal to Governors.

(d) Prepare and submit to the Governor of each of the Signatory States a budget covering the anticipated expenses of the Commission for the following fiscal biennium;

Report to Governors and President.

(e) Prepare and submit an annual report to the Governor of each Signatory State and to the President of the United States covering the activities of the Commission for the preceding fiscal year, together with an accounting of all funds received and expended by it in the conduct of its work;

(f) Make available to the Governor or to any official agency of the Signatory State or to any authorized representative of the United States, upon request, any information within its possession;

(g) Not incur any obligation in excess of the unencumbered balance of its funds, nor pledge the credit of any of the Signatory States; and

(h) Make available to a Signatory State or the United States in any action arising under this Compact; without subpena, the testimony of any officer or employee of the Commission having knowledge of any relevant facts.

ARTICLE XI

POLLUTION

SECTION 11.01. The Signatory States recognize that the increase in population and the growth of industrial, agricultural, mining and other activities combined with natural pollution sources may lead to a diminution of the quality of water in the Red River Basin which may render the water harmful or injurious to the health and welfare of the people and impair the usefulness or public enjoyment of the water for benficial purposes, thereby resulting in adverse social, economic, and environmental impacts.

SECTION 11.02. Although affirming the primary duty and responsibility of each Signatory State to take appropriate action under its own laws to prevent, diminish, and regulate all pollution sources within its boundaries which adversely affect the water of the Red River Basin, the states recognize that the control and abatement of the naturally occurring salinity sources as well as, under certain circumstances, the maintenance and enhancement of the quality of water in the Red River Basin may require the cooperative action of all states.

SECTION 11.03. The Signatory States agree to cooperate with agencies of the United States to devise and effectuate means of alleviating the natural deterioration of the water of the Red River Basin.

SECTION 11.04. The Commission shall have the power to cooperate with the United States, the Signatory States and other entities in programs for abating and controlling pollution and natural deterioration of the water of the Red River Basin, and to recommend reasonable water quality objectives to the states.

Waste discharge records.

SECTION 11.05. Each Signatory State agrees to maintain current records of waste discharges into the Red River Basin and the type and quality of such discharges, which records shall be furnished to the Commission upon request.

Complaints.

SECTION 11.06. Upon receipt of a complaint from the Governor of a Signatory State that the interstate water of the Red River Basin in which it has an interest are being materially and adversely affected by pollution and that the state in which the pollution originates has failed after reasonable notice to take appropriate abatement measures, the Commission shall make such findings as are appropriate and thereafter provide such findings to the Governor of the state in which such pollution originates and request appropriate corrective action. The Commission, however, shall not take any action with respect to pollution which adversely affects only the state in which such pollution originates.

Litigation.

SECTION 11.07. In addition to its other powers set forth under this Article, the Commission shall have the authority, upon receipt of six concurring votes, to utilize applicable Federal statutes to institute legal action in its own name against the person or entity responsible for interstate pollution problems; provided, however, sixty (60) days before initiating legal action the Commission shall notify the Governor of the state in which the pollution source is located to allow that state an opportunity to initiate action in its own name.

SECTION 11.08. Without predjudice to any other remedy available to the Commission, or any Signatory State, any state which is materially and adversely affected by the pollution of the water of the Red River Basin by pollution originating in another Signatory State may institute a suit against any individual, corporation, partnership, or association, or against any Signatory State or political or governmental subdivision thereof, or against any officer, agency, department, bureau, district or instrumentality of or in any Signatory State contributing to such pollution in accordance with applicable Federal statutes. Nothing herein shall be construed as depriving any persons of any rights of action relating to pollution which such person would have if this Compact had not been made.

ARTICLE XII

TERMINATION AND AMENDMENT OF COMPACT

SECTION 12.01. This Compact may be terminated at any time by appropriate action of the legislatures of all of the four Signatory States. In the event of such termination, all rights established under it shall continue unimpaired.

SECTION 12.02. This Compact may be amended at any time by appropriate action of the legislatures of all Signatory States that are affected by such amendment. The consent of the United States Congress must be obtained before any such amendment is effective.

ARTICLE XIII

RATIFICATION AND EFFECTIVE DATE OF COMPACT

SECTION 13.01. Notice of ratification of this Compact by the legislature of each Signatory State shall be given by the governor thereof to the governors of each of the other Signatory States and to the

President of the United States. The President is hereby requested to give notice to the governors of each of the Signatory States of the consent of this Compact by the Congress of the United States.

Notification.

SECTION 13.02. This Compact shall become effective, binding and obligatory when, and only when:

(a) It has been duly ratified by each of the Signatory States; and

(b) It has been consented to by an Act of the Congress of the United States,

which act provides that:

Any other statute of the United States to the contrary notwithstanding, in any case or controversy:

which involves the construction or application of this Compact; in which one or more of the Signatory States to this Compact is a plaintiff or plaintiffs; and which is within the judicial power of the United States as set forth in the Constitution of the United States;

and without any requirement, limitation or regard as to the sum or value of the matter in controversy, or of the place of residence or citizenship of, or of the nature, character or legal status of, any of the other proper parties plaintiff or defendant in such case or controversy:

The consent of Congress is given to name and join the United States as a party defendant or otherwise in any such case or controversy in the Supreme Court of the United States if the United States is an indispensable party thereto.

Jurisdiction.

SECTION 13.03. The United States District Courts shall have original jurisdiction (concurrent with that of the Supreme Court of the United States, and concurrent with that of any other Federal or state court, in matters in which the Supreme Court, or other court has original jurisdiction) of any case or controversy involving the application or construction of this Compact; that said jurisdiction shall include, but not be limited to, suits between Signatory States; and that the venue of such case or controversy may be brought in any judicial district in which the acts complained of (or any portion thereof) occur.

SIGNED AND APPROVED on the 12th day of May, 1978 at Denison Dam.

FOR ARKANSAS:
JOHN P. SAXTON
Commissioner

FOR LOUISIANA:
ARTHUR R. THEIS
Commissioner

FOR OKLAHOMA:
ORVILLE B. SAUNDERS
Commissioner

FOR TEXAS:
FRED PARKEY
Commissioner

FOR UNITED STATES OF AMERICA:
R. C. MARSHALL, Major General
Representative

SECTION 2. In order to carry out the purposes of this Act, and the purposes of article XIII of this compact consented to by Congress by this Act, the congressional consent to this compact includes and expressly gives the consent of Congress to have the United States of America named and joined as a party defendant or otherwise in the United States Supreme Court or in a district court with concurrent jurisdiction in matters in which the Supreme Court has original jurisdiction, in any case or controversy involving the construction or application of this Compact in which one or more of the Signatory States to this Compact is a plaintiff, and which is within the judicial power of the United States as set forth in the Constitution of the United States, if the United States of America is an indispensable party and without any requirement, limitation or regard as to the sum or value of the matter in controversy, or of the place of residence or citizenship of, or of the nature, character or legal status of, any of the other proper parties plaintiff or defendant in such case or controversy.

SECTION 3. The right to alter, amend, or repeal this Act is expressly reserved.

Jurisdiction.

SECTION 4. The United States District Courts shall have original jurisdiction (concurrent with that of the Supreme Court of the United States, and concurrent with that of any other Federal or state court, in matters in which the Supreme Court, or other court has original jurisdiction) of any case or controversy involving the application or construction of this Compact; that said jurisdiction shall include, but not be limited to, suits between Signatory States; and that the venue of such case or controversy may be in any judicial district in which the acts complained of (or any portion thereof) occur.

Approved December 22, 1980.

LEGISLATIVE HISTORY:

SENATE REPORT No. 96-964 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 126 (1980):
- Sept. 24, considered and passed Senate.
- Dec. 1, H.R. 7206 considered and passed House; passage vacated and S. 2227, amended, passed in lieu.
- Dec. 12, Senate agreed to House amendment.

Public Law 96-565
96th Congress

An Act

To establish the Kalaupapa National Historical Park in the State of Hawaii, and for other purposes.

Dec. 22, 1980
[H.R. 7217]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Kalaupapa National Historical Park, Hawaii. Establishment. 16 USC 410jj.

SEC. 101. In order to provide for the preservation of the unique nationally and internationally significant cultural, historic, educational, and scenic resources of the Kalaupapa settlement on the island of Molokai in the State of Hawaii, there is hereby established the Kalaupapa National Historical Park (hereinafter referred to as the "park").

Purposes. 16 USC 410jj-1.

SEC. 102. The Congress declares the following to constitute the principal purposes of the park:

(1) to preserve and interpret the Kalaupapa settlement for the education and inspiration of present and future generations;

(2) to provide a well-maintained community in which the Kalaupapa leprosy patients are guaranteed that they may remain at Kalaupapa as long as they wish; to protect the current lifestyle of these patients and their individual privacy; to research, preserve, and maintain the present character of the community; to research, preserve, and maintain important historic structures, traditional Hawaiian sites, cultural values, and natural features; and to provide for limited visitation by the general public; and

(3) to provide that the preservation and interpretation of the settlement be managed and performed by patients and Native Hawaiians to the extent practical, and that training opportunities be provided such persons in management and interpretation of the settlement's cultural, historical, educational, and scenic resources.

Boundaries; public inspection. 16 USC 410jj-2.

SEC. 103. The boundaries of the park shall include the lands, waters, and interests therein within the area generally depicted on the map entitled "Boundary Map, Kalaupapa National Historical Park", numbered P07-80024, and dated May 1980, which shall be on file and available for public inspection in the local and Washington, District of Columbia offices of the National Park Service, Department of the Interior. The Secretary of the Interior (hereinafter referred to as the "Secretary") may make minor revisions in the boundary of the park by publication of a revised boundary map or other description to that effect in the Federal Register.

Land acquisition. 16 USC 410jj-3.

SEC. 104. (a) Within the boundary of the park, the Secretary is authorized to acquire those lands owned by the State of Hawaii or any political subdivision thereof only by donation or exchange, and only with the consent of the owner. Any such exchange shall be accomplished in accordance with the provisions of sections 5 (b) and (c) of the Act approved July 15, 1968 (82 Stat. 354). Any property conveyed to the State or a political subdivision thereof in exchange for property within the park which is held in trust for the benefit of Native

16 USC 460*l*-22.

48 USC 691.
48 USC 697.
48 USC 698.

Hawaiians, as defined in the Hawaiian Homes Commission Act of 1920 shall, as a matter of Federal law, be held by the grantee subject to an equitable estate of the same class and degree as encumbers the property within the preserve; and "available lands" defined in section 203 of the Hawaiian Homes Commission Act may be exchanged in accordance with section 204 of said Act. The vesting of title in the United States to property within the park shall operate to extinguish any such equitable estate with respect to property acquired by exchange within the park.

(b) The Secretary is authorized to acquire privately-owned lands within the boundary of the park by donation, purchase with donated or appropriated funds, or exchange.

(c) The Secretary is authorized to acquire by any of the foregoing methods except condemnation, lands, waters, and interests therein outside the boundary of the park and outside the boundaries of any other unit of the National Park System but within the State of Hawaii, and to convey the same to the Department of Hawaiian Home Lands in exchange for lands, waters, and interests therein within the park owned by that Department. Any such exchange shall be accomplished in accordance with the provisions defined in subsection (a) of this section.

Administration.
16 USC 410jj-4.
43 USC 1457, 16 USC 1, 2, 3, 4, 22, 43.
16 USC 461-467.

SEC. 105. (a) The Secretary shall administer the park in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535), the Act of August 21, 1935 (49 Stat. 666), and the provisions of this Act.

(b)(1) With the approval of the owner thereof, the Secretary may undertake critical or emergency stabilization of utilities and historic structures, develop and occupy temporary office space, and conduct interim interpretive and visitor services on non-Federal property within the park.

Cooperative agreements.

(2) The Secretary shall seek and may enter into cooperative agreements with the owner or owners of property within the park pursuant to which the Secretary may preserve, protect, maintain, construct, reconstruct, develop, improve, and interpret sites, facilities, and resources of historic, natural, architectural, and cultural significance. Such agreements shall be of not less than twenty years duration, may be extended and amended by mutual agreement, and shall include, without limitation, provisions that the Secretary shall have the right of access at reasonable times to public portions of the property for interpretive and other purposes, and that no changes or alterations shall be made in the property except by mutual agreement. Each such agreement shall also provide that the owner shall be liable to the United States in an amount equal to the fair market value of any capital improvements made to or placed upon the property in the event the agreement is terminated prior to its natural expiration, or any extension thereof, by the owner, such value to be determined as of the date of such termination, or, at the election of the Secretary, that the Secretary be permitted to remove such capital improvements within a reasonable time of such termination. Upon the expiration of such agreement, the improvements thereon shall become the property of the owner, unless the United States desires to remove such capital improvements and restore the property to its natural state within a reasonable time for such expiration.

(3) Except for emergency, temporary, and interim activities as authorized in paragraph (1) of this subsection, no funds appropriated pursuant to this Act shall be expended on non-Federal property unless such expenditure is pursuant to a cooperative agreement with the owner.

Religious structures.

(4) The Secretary may stabilize and rehabilitate structures and other properties used for religious or sectarian purposes only if such properties constitute a substantial and integral part of the historical fabric of the Kalaupapa settlement, and only to the extent necessary and appropriate to interpret adequately the nationally significant historical features and events of the settlement for the benefit of the public.

Leprosy patients.
16 USC 410jj-5.

SEC. 106. The following provisions are made with respect to the special needs of the leprosy patients residing in the Kalaupapa settlement—

(1) So long as the patients may direct, the Secretary shall not permit public visitation to the settlement in excess of one hundred persons in any one day.

(2) Health care for the patients shall continue to be provided by the State of Hawaii, with assistance from Federal programs other than those authorized herein.

(3) Notwithstanding any other provision of law, the Secretary shall provide patients a first right of refusal to provide revenue-producing visitor services, including such services as providing food, accommodations, transportation, tours, and guides.

(4) Patients shall continue to have the right to take and utilize fish and wildlife resources without regard to Federal fish and game laws and regulations.

(5) Patients shall continue to have the right to take and utilize plant and other natural resources for traditional purposes in accordance with applicable State and Federal laws.

Employment and training.
16 USC 410jj-6.
"Native Hawaiian."

SEC. 107. The following provisions are made with respect to additional needs of the leprosy patients and Native Hawaiians for employment and training. (The term "Native Hawaiian" as used in this title, means a descendant of not less than one-half part of the blood of the races inhabiting the Hawaiian Islands previous to the year 1778.)—

(1) Notwithstanding any other provision of law, the Secretary shall give first preference to qualified patients and Native Hawaiians in making appointments to positions established for the administration of the park, and the appointment of patients and Native Hawaiians shall be without regard to any provision of the Federal civil service laws giving an employment preference to any other class of applicant and without regard to any numerical limitation on personnel otherwise applicable.

(2) The Secretary shall provide training opportunities for patients and Native Hawaiians to develop skills necessary to qualify for the provision of visitor services and for appointment to positions referred to in paragraph (1).

Kalaupapa National Historical Park Advisory Commission.
Establishment.
Membership.
16 USC 410jj-7.

SEC. 108. (a) There is hereby established the Kalaupapa National Historical Park Advisory Commission (hereinafter referred to as the "Commission"), which shall consist of eleven members each appointed by the Secretary for a term of five years as follows:

(1) seven members who shall be present or former patients, elected by the patient community; and

(2) four members appointed from recommendations submitted by the Governor of Hawaii, at least one of whom shall be a Native Hawaiian.

Chairman.
Vacancies.

(b) The Secretary shall designate one member to be Chairman. Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

Compensation.
Expenses.

(c) A member of the Commission shall serve without compensation as such. The Secretary is authorized to pay the expenses reasonably incurred by the Commission in carrying out its responsibilities under this Act on vouchers signed by the Chairman.

(d) The Secretary shall consult with and seek the advice of the Commission with respect to the development and operation of the park including training programs. The Commission shall, in addition, advise the Secretary concerning public visitation to the park, and such advice with respect to numbers of visitors shall be binding upon the Secretary if the Commission certifies to him that such advice is based on a referendum, held under the auspices of the Commission, of all patients on the official Kalaupapa Registry.

Expiration.

(e) The Commission shall expire twenty-five years from the date of enactment of this Act.

Reevaluation.
16 USC 410jj-8.

Sec. 109. At such time when there is no longer a resident patient community at Kalaupapa, the Secretary shall reevaluate the policies governing the management, administration, and public use of the park in order to identify any changes deemed to be appropriate.

Appropriation authorization.
16 USC 410jj-9.

Sec. 110. Effective October 1, 1981, there are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this title but not to exceed $2,500,000 for acquisition of lands and interests in lands and $1,000,000 for development.

TITLE II

Historic sailing ship, financial assistance.
49 Stat. 666, 16 USC 462.

Sec. 201. In furtherance of the purposes of subsection 2(e) of the Act of August 21, 1935 (49 Stat. 6666), the Secretary of the Interior is authorized to provide financial assistance for the operation, maintenance and protection of the historic sailing ship Falls of Clyde, located in Honolulu Harbor, Hawaii. Such authorization shall terminate at such time as the Falls of Clyde is no longer located in the State of Hawaii.

Sec. 202. Authority to enter into contracts or cooperative agreements, to incur obligations or to make payments under this Act shall be effective only to the extent, and in such amounts, as are provided in advance in appropriation Acts.

TITLE III

Native Hawaiians Study Commission Act.
42 USC 2991a note.

Sec. 301. This title may be cited as the "Native Hawaiians Study Commission Act".

NATIVE HAWAIIANS STUDY COMMISSION

Establishment.
42 USC 2991a note.

Sec. 302. There is hereby established the Native Hawaiians Study Commission (hereinafter in this title referred to as the "Commission").

Membership.

(b) The Commission shall be composed of nine members appointed by the President. Not more than three of such members shall be residents of the State of Hawaii.

Chairman.

(c) The Chairman and Vice Chairman of the Commission shall be designated by the President at the time of appointment.

Vacancies.

(d) Vacancies in the membership of the Commission shall not affect the powers of the remaining members to execute the functions of the Commission and shall be filled in the same manner in which the original appointments were made.

(e) The President shall call the first meeting of the Commission not more than ninety days after the date of the enactment of this title.

(f) Five members of the Commission shall constitute a quorum, but a smaller number specified by the Commission may conduct hearings.

Pay.

(g) Each member of the Commission shall receive $100 for each day such member is engaged in performing the duties of the Commission, except that members of the Commission who are fulltime officers or employees of the United States shall receive no additional pay on account of their service on the Commission other than official travel expenses.

Travel expenses.

(h) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission (including members who are fulltime officers or employees of the United States) shall be allowed travel expenses, including per diem, in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

(i) Subject to such rules and regulations as may be adopted by the Commission, the Chairman may—

Staff.

5 USC 5101, 5331.

(1) appoint and fix the compensation of an executive director, a general counsel, and such additional staff as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate of pay in effect from time to time for grade GS-18 of the General Schedule under section 5332 of such title; and

5 USC 5332.

Temporary and intermittent services.

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for individuals.

(j) Subject to section 552a of title 5, United States Code, the Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this title. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(k) The Commission may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

DUTIES OF THE COMMISSION

Study.

42 USC 2991a note.

SEC. 303. (a) The Commission shall conduct a study of the culture, needs and concerns of the Native Hawaiians.

Hearings; public notice.

(b) The Commission shall conduct such hearings as it considers appropriate and shall provide notice of such hearings to the public, including information concerning the date, location and topic of each hearing. The Commission shall take such other actions as it considers necessary to obtain full public participation in the study undertaken by the Commission.

Draft report.

Comments.

(c) Within one year after the date of its first meeting, the Commission shall publish a draft report of the findings of the study and shall distribute copies of the draft report to appropriate Federal and State agencies, to Native Hawaiian organizations, and upon request, to members of the public. The Commission shall solicit written comments from the organizations and individuals to whom copies of the draft report are distributed.

Final report.

Submittal to President and congressional committees.

(d) After taking into consideration any comments submitted to the Commission, the Commission shall issue a final report of the results f its study within nine months after the publication of its draft eport. The Commission shall submit copies of the final report and copies of all written comments on the draft submitted to the Commission under paragraph (c) to the President and to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives.

(e) The Commission shall make recommendations to the Congress based on its findings and conclusions under subsection (a) of this section.

TERMINATION OF THE COMMISSION

42 USC 2991a note.

SEC. 304. Except as provided in subsection (b) of section 307, upon the expiration of the sixty-day period following the submission of the report required by section 303, the Commission shall cease to exist.

DEFINITIONS

42 USC 2991a note.

SEC. 305. For the purposes of this title, the term "Native Hawaiian" means any individual whose ancestors were natives of the area which consisted of the Hawaiian Islands prior to 1778.

SAVINGS CLAUSES

42 USC 2991a note.

SEC. 306. No provision of this title shall be construed as—

(1) constituting a jurisdictional act, conferring jurisdiction to sue, or granting implied consent to Native Hawaiians to sue the United States or any of its offices; or

(2) constituting a precedent for reopening, renegotiating, or legislating any past settlement involving land claims or other matters with any Native organization or any tribe, band, or identifiable group of American Indians.

AUTHORIZATION

42 USC 2991a note.

SEC. 307. (a) There are hereby authorized to be appropriated for fiscal years 1982 and 1983 such sums as are necessary to carry out the provisions of this title. Until October 1, 1981, salaries and expenses of the Commission shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman. To the extent that any payments are made from the contingent fund of the Senate prior to the time appropriation is made, such payments shall be chargeable against the authorization provided herein.

(b) The Secretary of the Treasury shall reserve a reasonable portion of the funds appropriated pursuant to subsection (a) of this section for the purpose of providing payment for the transportation, subsistence, and reasonable expenses of the members of the Commission in testifying before the Congress with respect to their duties and activities while serving on the Commission or to such matters as may involve the findings of the study of the Commission after the expiration of the Commission pursuant to section 304.

Approved December 22, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1019 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 96-1027 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 126 (1980):
 May 19, considered and passed House.
 Dec. 4, considered and passed Senate, amended.
 Dec. 5, House concurred in Senate amendments.

Public Law 96-566
96th Congress

Joint Resolution

Dec. 22, 1980
[H.J. Res. 642]

Providing for convening of the first regular session of the Ninety-seventh Congress on January 5, 1981, and for other purposes.

97th Congress. First session.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the first regular session of the Ninety-seventh Congress shall begin at 12 o'clock meridian on Monday, January 5, 1981.

Reports.

SEC. 2. That (a) notwithstanding the provisions of section 605(a) of the Congressional Budget and Impoundment Control Act of 1974 (31 U.S.C. 11(a)), the President shall submit to the Senate and the House of Representatives the estimates required to be submitted by said subsection for the fiscal year 1982 not later than the date on which the President transmits to the Congress the budget for the fiscal year 1982, and (b) notwithstanding the provisions of section 605(b) of the Congressional Budget and Impoundment Control Act of 1974, the Joint Economic Committee shall submit to the Committees on the Budget of both Houses the evaluation required to be submitted by said subsection for the fiscal year 1982 not later than the date on which the report for the fiscal year 1982 pursuant to section 5(b)(3) of the Employment Act of 1946 (15 U.S.C. 1024b) is filed with the Senate and House of Representatives.

Approved December 22, 1980.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 126 (1980):
Dec. 12, considered and passed House.
Dec. 16, considered and passed Senate.

Public Law 96-567
96th Congress

An Act

To provide for an accelerated and coordinated program of light water nuclear reactor safety research, development, and demonstration, to be carried out by the Department of Energy.

Dec. 22, 1980
[H.R. 7865]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Nuclear Safety Research, Development, and Demonstration Act of 1980".

Nuclear Safety Research, Development, and Demonstration Act of 1980. 42 USC 9701 note.

FINDINGS AND PURPOSE

42 USC 9701.

SEC. 2. (a) The Congress finds that—

(1) nuclear energy is one of the two major energy sources available for electric energy production in the United States during the balance of the twentieth century;

(2) continued development of nuclear power is dependent upon maintaining an extremely high level of safety in the operation of nuclear plants, and on public recognition that these facilities do not constitute a significant threat to human health or safety;

(3) it is the responsibility of utilities, as owners and operators of nuclear powerplants, to assure that such plants are designed and operated safely and reliably; and

(4) a proper role of the Federal Government in assuring nuclear powerplant safety, in addition to its regulatory function, is the conduct of a research, development, and demonstration program to provide important scientific and technical information which can contribute to sound design and safe operation of these plants.

(b) It is declared to be the policy of the United States and the purpose of this Act to establish a research, development, and demonstration program for developing practical improvements in the generic safety of nuclear powerplants during the next five years, beginning in the fiscal year 1981. The objectives of such program shall be—

(1) to reduce the likelihood and severity of potentially serious nuclear powerplant accidents; and

(2) to reduce the likelihood of disrupting the population in the vicinity of nuclear powerplants as the result of nuclear powerplant accidents.

Nothing in this Act shall be construed as preventing the Secretary from undertaking projects or activities, in addition to those specified in this Act, which appropriately further the purpose and objectives set forth in this subsection. Nothing in this Act shall authorize the Secretary to assume responsibility for the management, cleanup or repair of any commercial nuclear powerplant. Nothing in this Act shall be construed as limiting the authority of the Secretary under any other law.

DEFINITIONS

SEC. 3. For purposes of this Act—

42 USC 9702.

(1) the term "Secretary" means the Secretary of Energy;

(2) the term "Government agency" means any department, agency, commission, or independent establishment in the executive branch of the Federal Government, or any corporation, wholly or partly owned by the United States, which is an instrumentality of the United States, or any board, bureau, division, service, office, officer, authority, administration, or other establishment in the executive branch of the Federal Government;

(3) the term "Commission" means the Nuclear Regulatory Commission; and

(4) the term "Advisory Committee" means the Advisory Committee on Reactor Safeguards established by section 29 of the Atomic Energy Act of 1954, as amended. 42 USC 2039.

ESTABLISHMENT OF RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROGRAM FOR IMPROVING THE SAFETY OF NUCLEAR POWERPLANTS

42 USC 9703.

SEC. 4. (a) The Secretary shall establish a research, development, and demonstration program to carry out the purpose of this Act. As part of such program, the Secretary shall at a minimum—

(1) refine further the assessment of risk factors associated with the generic design and operation of nuclear powerplants to determine the degree and consequences of propagation of failures of systems, subsystems, and components, including consideration of the interaction between the primary and secondary systems;

(2) develop potentially cost-beneficial changes in the generic design and operation of nuclear powerplants that can (A) significantly reduce the risks from unintentional release of radioactive material from the various engineered barriers of nuclear powerplants and (B) reduce the radiation exposure to workers during plant operation and maintenance;

(3) develop potentially cost-beneficial generic methods and designs that will significantly improve the performance of operators of nuclear powerplants under routine, abnormal, and accident conditions;

(4) identify the effect of total or partial automation of generic plant systems on reactor safety, operation, reliability, economics, and operator performance;

Experimental investigations.

(5) conduct further experimental investigations under abnormal operational and postulated accident conditions primarily for light water reactors to determine the consequences of such conditions. These investigations shall include, but not be limited to, the following:

(A) fuel failure at higher than standard burn-up levels;

(B) fuel-cladding interactions;

(C) fuel and cladding interactions with coolant under various temperatures and pressures;

(D) thermohydraulic behavior in the reactor core;

(E) mechanisms to suppress and control the generation of hydrogen gas;

(F) improved instrumentation for monitoring reactor cores;

(G) engineered-barrier failure modes; and

(H) fission product release and transport from failed fuel;

(6) provide for the examination and analysis of any nuclear powerplant fuel, component, or system which the Secretary

deems to offer significant benefit in safety analysis and which is made available to the Secretary for a nominal cost, such as $1: *Provided, however,* That the Secretary shall accept only the number of samples of such fuel, component, or system necessary to carry out such examination and analysis; and

(7) identify the aptitudes, training, and manning levels which are necessary to assure reliable operator performance under normal, abnormal, and emergency conditions.

(b) In carrying out the generic safety research, development, and demonstration program established under this Act, the Secretary—

(1) shall coordinate with the Commission and, to the extent necessary, enter into a new memorandum of understanding or revise existing memoranda for the purpose of eliminating unnecessary duplication and avoiding programmatic conflict with any reactor safety research program of the Commission, including the Improved Safety Systems Research program;

(2) shall, to the extent practical, coordinate his activities with such other Government agencies, foreign governments, and industry as he deems appropriate to utilize their expertise, to minimize duplication of effort, and to ensure that information useful for improved concepts applicable to nuclear powerplant safety can be applied in a timely manner. The Secretary may enter into agreements and memoranda of understanding to accomplish these ends, but no such agreement shall have the effect of delaying the development and implementation of programs authorized under this Act;

(3) shall utilize, to the extent feasible, underutilized federally owned research reactors and facilities, along with the associated personnel, to maintain existing capabilities and to ensure that the research is generic in nature; and

(4) shall make such recommendations as are practical to minimize the complexity of nuclear powerplant systems, including secondary systems, and operations.

NATIONAL REACTOR ENGINEERING SIMULATOR

42 USC 9704.

SEC. 5. (a) The Secretary, in consultation with the Commission and the Advisory Committee, shall initiate a study of the need for and feasibility of establishing a reactor engineering simulator facility at a national laboratory, for the primary purpose of fostering research in generic design improvements and simplifications through the simulation of the performance of various types of light water reactors under a wide variety of abnormal conditions and postulated accident conditions.

(b) In performing the study, the Secretary shall consider relevant factors including, but not limited to—

(1) the potential advantages that would accrue from the establishment of such a facility;

(2) the extent to which such a facility would further the generic safety research and development program established by this Act;

(3) the extent to which such a facility can be established by nongovernmental entities;

(4) the opportunities for cost sharing by nongovernmental entities in the construction and operation of such a facility;

(5) the importance of such a facility in emergencies to limit the extent of any future nuclear powerplant excursions;

(6) the potential for international cooperation in the establishment and operation of such a facility; and

(7) the appropriate national laboratory for siting such a facility.

Report to congressional committees.

(c) The Secretary shall, by January 1, 1982, submit to the Committee on Science and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report characterizing the study and the resulting conclusions and recommendations.

FEDERAL NUCLEAR OPERATIONS CORPS

Study.
42 USC 9705.

Sec. 6. (a) The Secretary, in cooperation with the Nuclear Regulatory Commission, shall initiate a study as to the sufficiency of efforts in the United States to provide specially trained professionals to operate the controls of nuclear powerplants and other facilities in the back-end of the nuclear fuel cycle. In carrying out the study, the Secretary shall coordinate his activities with the ongoing programs of the utility industry and other Federal governmental agencies for obtaining high standards of operator performance.

(b)(1) In conducting the study the Secretary shall assess the desirability and feasibility of creating a Federal Corps of such professionals to inspect and supervise such operations.

(2) The assessment shall consider the establishment of an academy to train Corps professionals in all aspects of nuclear technology, nuclear operations, nuclear regulatory and related law, and health science.

(3) The assessment shall include the appropriate organizational approach for the establishment of a Federal Corps within the executive branch.

Report to Congress.

(c) The Secretary shall complete the study within one year after the date of enactment of this Act and shall submit a report along with his recommendations to the Congress.

REPORTS AND DISSEMINATION OF INFORMATION

42 USC 9706.

Sec. 7. The Secretary shall assure that full and complete safety-related information resulting from any project or other activity conducted under this Act is made available in a timely manner to appropriate committees of Congress, Federal, State, and local authorities, relevant segments of private industry, the scientific community, and the public.

COMPREHENSIVE PROGRAM MANAGEMENT PLAN

42 USC 9707.

Sec. 8. (a) The Secretary is authorized and directed to prepare a comprehensive program management plan for the conduct of research, development, and demonstration activities under this Act consistent with the provisions of section 4. In the preparation of such plan, the Secretary shall consult with the Commission and the Advisory Committee and with the heads of such other Government agencies and such public and private organizations as he deems appropriate.

(b) The Secretary shall transmit the comprehensive program management plan along with any comments by the Commission on the plan to the Committee on Science and Technology of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Environment and Public Works of the Senate within twelve months after the date of the enactment of this Act. Revisions to the plan shall be transmitted to such committees whenever deemed appropriate by the Secretary.

Revisions, transmittal to congressional committees.
Plan description.

(c) Concurrently with the submission of the President's annual budget to the Congress for each year after the year in which the comprehensive plan is initially transmitted under subsection (b), the Secretary shall transmit to the Congress a detailed description of the comprehensive plan as then in effect. The detailed description of the comprehensive plan under this subsection shall include, but need not be limited to, a statement setting forth any change in—

(1) the program strategies and plans, including detailed milestone goals to be achieved during the next fiscal year for all major activities and projects;

(2) the economic, environmental, and societal significance which the program may have;

(3) the total estimated cost of individual program items; and

(4) the estimated relative financial contributions of the Federal Government and non-Federal participants in the program.

Such description shall also include a detailed justification of any such changes, a description of the progress made toward achieving the goals of this Act, a statement on the status of interagency cooperation in meeting such goals, and any legislative or other recommendations which the Secretary may have to help attain such goals.

AUTHORIZATION OF APPROPRIATIONS

SEC. 9. There is authorized to be appropriated to the Secretary to carry out this Act such sums as may be authorized by legislation hereafter enacted. 42 USC 9708.

SEC. 10. Project 78-3-b, authorized by section 102 of Public Law 95-238, the fusion materials irradiation test facility, is hereby designated as the "Mike McCormack Fusion Materials Test Facility". Any reference in any law, regulation, map, record, or other document of the United States to the fusion materials irradiation test facility shall be considered a reference to the "Mike McCormack Fusion Materials Test Facility". 92 Stat. 49.

Approved December 22, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1242 (Comm. on Science and Technology).
SENATE REPORT No. 96-941 accompanying S. 2884 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 126 (1980):
  Aug. 25, considered and passed House.
  Sept. 26, considered and passed Senate, amended, in lieu of S. 2884.
  Dec. 4, House concurred in Senate amendment with an amendment.
  Dec. 12, Senate agreed to House amendment with amendments.
  Dec. 13, House agreed to Senate amendments.

Public Law 96-568
96th Congress

An Act

Dec. 22, 1980
[S. 3027]

To extend authorization for the Disaster Relief Act, and for other purposes.

Disaster Relief Act Amendments of 1980.
42 USC 5121 note.
42 USC 5202.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Disaster Relief Act Amendments of 1980".

SEC. 2. Section 606 of the Disaster Relief Act of 1974, as amended, is amended by striking "September 30, 1980" and inserting in lieu thereof "September 30, 1981, and to the Federal Emergency Management Agency such sums as may be necessary for administrative expenses through the close of September 30, 1981.".

Erroneous relief payments, liability.

SEC. 3. (a) Notwithstanding any provision of the Disaster Relief Act of 1970 (the Act), any unit of local government or any of the privately owned nonprofit libraries listed in subsection (b) is relieved from any liability for the repayment of contributions erroneously made by the United States for disaster relief activities for the benefit of such libraries which were damaged or destroyed by Hurricane Agnes in 1972 in the State of Pennsylvania.

Libraries, assistance eligibility.

(b) The following libraries are hereby entitled to assistance as if eligible under the provisions of the Act as in effect at the time of such disaster:

(1) the William D. Himmelreich Memorial Library in Lewisburg, Pennsylvania;
(2) the Milton Library in Milton, Pennsylvania;
(3) the Shippensburg Public Library in Shippensburg, Pennsylvania;
(4) the West Shore Public Library in Camp Hill, Pennsylvania;
(5) the Osterhout Library in Wilkes-Barre, Pennsylvania; and
(6) the West Pittston Library in West Pittston, Pennsylvania.

(c) In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for the amount for which liability is relieved by this Act.

Approved December 22, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-962 accompanying H.R. 6863 (Comm. on Public Works and Transportation).
SENATE REPORT No. 96-891 (Comm. on Environment and Public Works).
CONGRESSIONAL RECORD, Vol. 126 (1980):
  Sept. 26, considered and passed Senate.
  Nov. 21, H.R. 6863 considered and passed House; passage vacated and S. 3027, amended, passed in lieu.
  Dec. 15, Senate disagreed to House amendments.
  Dec. 16, House receded from its amendments.

Public Law 96-569
96th Congress

An Act

To authorize appropriations for environmental research, development, and demonstrations for the fiscal year 1981, and for other purposes.

Dec. 22, 1980
[S. 2726]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Environmental Research, Development, and Demonstration Authorization Act of 1981.

SHORT TITLE

SECTION 1. This Act may be cited as the "Environmental Research, Development, and Demonstration Authorization Act of 1981".

PROGRAM AUTHORIZATIONS

SEC. 2. (a) There are authorized to be appropriated to the Environmental Protection Agency for environmental research, development, and demonstration activities for the fiscal year 1981 for the following activities:

(1) for air quality activities authorized under the Clean Air Act—

42 USC 1857 note.

(A) in the Health and Ecological Effects program, $45,243,000;

(B) in the Industrial Processes program, $4,099,000;

(C) in the Monitoring and Technical Support program, $20,825,000;

(2) for water quality activities authorized under the Clean Water Act—

33 USC 1251 note.

(A) in the Health and Ecological Effects program, $23,884,000: *Provided,* That of the funds appropriated pursuant to this paragraph, $3,600,000 may be obligated and expended on the Great Lakes Research program through the Environmental Protection Agency's Large Lakes Research Station, Grosse Ile, Michigan: *Provided further,* That of the funds appropriated pursuant to this paragraph, $1,000,000 may be obligated and expended on research to develop environmentally sound methods to control aquatic weeds: *Provided further,* That of the funds appropriated pursuant to this paragraph, $950,000 may be obligated and expended on the Cold Climate Research program through the Environmental Protection Agency's Corvallis Environmental Research Laboratory, Corvallis, Oregon;

(B) in the Industrial Processes program, $13,737,000, of which $2,500,000 is for the Renewable Resources program;

(C) in the Public Sector Activities program, $14,300,000: *Provided,* That of the funds appropriated pursuant to this paragraph, $500,000 may be obligated and expended on a program to develop and demonstrate wet-weather technology at New York, New York;

(D) in the Monitoring and Technical Support program, $12,101,000;

(3) for water supply activities authorized under the Safe Drinking Water Act— 42 USC 201 note.

(A) in the Health and Ecological Effects program, $12,359,000;

(B) in the Public Sector Activities program, $14,080,000;

(C) in the Monitoring and Technical Support program, $1,008,000:

Submittal to Congress. *Provided,* That of the funds appropriated pursuant to this paragraph, $4,000,000 may be obligated and expended on the Groundwater Research program (and no part of such sum shall be subject to transfer to any other category under subsection (e)), and the Administrator shall submit to the Congress a plan for the conduct of groundwater research and the use of the results of this research within one hundred and twenty days after the date of the enactment of this Act;

(4) for solid waste activities authorized under the Solid Waste Disposal Act, $26,446,000: *Provided,* That of the funds appropriated pursuant to this paragraph— 42 USC 6901 note.

(A) $300,000 may be obligated and expended on a program to demonstrate the effectiveness of in-place solidification of hazardous wastes at a site in Charles City, Iowa;

(B) $68,000 may be obligated and expended on a program to demonstrate monitoring and isolation methods for hazardous wastes at a site in Coventry, Rhode Island;

(C) $500,000 may be obligated and expended on a program to demonstrate cleanup technologies, monitoring methods, scoping studies and related activities for hazardous wastes at two hazardous waste sites in Burrillville and North Smithfield, and Smithfield, Rhode Island;

(5) for pesticide activities authorized under the Federal Insecticide, Fungicide, and Rodenticide Act— 7 USC 136 note.

(A) in the Health and Ecological Effects program, $5,970,000: *Provided,* That no part of any amount appropriated pursuant to this paragraph may be obligated or expended except to the extent hereafter specifically authorized by law;

(B) in the Industrial Processes program, $2,900,000: *Provided,* That no part of any amount appropriated pursuant to this paragraph may be obligated or expended except to the extent hereafter specifically authorized by law;

(C) in the Monitoring and Technical Support program, $565,000: *Provided,* That no part of any amount appropriated pursuant to this paragraph may be obligated or expended except to the extent hereafter specifically authorized by law;

(6) for radiation activities authorized under the Public Health Service Act— 42 USC 201 note.

(A) in the Health and Ecological Effects program, $2,990,000;

(B) in the Monitoring and Technical Support program, $191,000;

(7) for interdisciplinary activities—

(A) in the Health and Ecological Effects program, $5,232,000;

(B) in the Monitoring and Technical Support program, $2,868,000;

(C) in the Anticipatory Research program, $14,745,000;

(8) for toxic substance activities authorized under the Toxic Substances Control Act— 15 USC 2601 note.

(A) in the Health and Ecological Effects program, $31,876,000;

(B) in the Industrial Processes program, $1,772,000;

(C) in the Monitoring and Technical Support program, $3,247,000;

(9) for energy activities—

(A) in the Health and Ecological Effects program, $50,096,000;

(B) in the Energy Control program, $57,503,000, of which $500,000 is for a study of uranium mining wastes.

(b) There is authorized to be appropriated to the Environmental Protection Agency, Office of Research and Development, for the fiscal year 1981, for program management, $4,666,000.

Limitation.

(c) The aggregate authorization under subsection (a) of this section shall be limited to the sum $8,000,000 less than the total of all authorizations otherwise provided in subsection (a).

Grant, contract, and cooperative agreement applications, review.

(d) When he finds it in the public interest, the Administrator of the Environmental Protection Agency is authorized to utilize funds authorized in subsection (a), (b), or (c) for appropriate scientific and professional review of research and development grant, contract, and cooperative agreement applications.

Transfer of funds.

(e) Funds may be transferred between the categories listed in subsections (a), (b), and (c); except that no funds may be transferred from any particular category listed in any such subsection if the total of the funds so transferred from that particular category would exceed 10 per centum thereof, and no funds may be transferred to any particular category listed in subsection (a), (b), or (c) from any other category or categories listed in any such subsection if the total of the funds so transferred to that particular category would exceed 10 per centum thereof, unless—

(1) a period of thirty legislative days has passed after the Administrator of the Environmental Protection Agency or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate a written report containing a full and complete statement concerning the nature of the transfer involved and the reason therefor; or

(2) each committee of the House of Representatives and the Senate having jurisdiction over the subject matter involved, before the expiration of such period, has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

Long-term research and development program.
42 USC 4363.

(f) The Administrator shall establish a separately identified program of continuing, long-term environmental research and development for each activity listed in subsection (a) of this section. Unless otherwise specified by law, at least 15 per centum of funds appropriated to the Administrator for environmental research and development for each activity listed in subsection (a) of this section shall be obligated and expended for such long-term environmental research and development under this subsection.

AMENDMENT TO SCIENCE ADVISORY BOARD ESTABLISHMENT

42 USC 4365.

SEC. 3. Section 8(a) of Public Law 95-155 (relating to the provision of advice by the Science Advisory Board) is amended by striking out "Science Advisory Board which shall provide such scientific advice as the Administrator requests" and inserting in lieu thereof "Science Advisory Board which shall provide such scientific advice as may be requested by the Administrator, the Committee on Environment and

Public Works of the United States Senate, or the Committees on Science and Technology, Interstate and Foreign Commerce, or Public Works and Transportation of the House of Representatives".

Approved December 22, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-959 accompanying H.R. 7099 (Comm. on Science and Technology).
SENATE REPORT No. 96-745 (Comm. on Environment and Public Works).
CONGRESSIONAL RECORD, Vol. 126 (1980):
  May 22, considered and passed Senate.
  Dec. 1, H.R. 7099 considered and passed House; passage vacated and S. 2726, amended, passed in lieu.
  Dec. 5, Senate concurred in House amendment with amendments.
  Dec. 9, House concurred in Senate amendments.

Public Law 96-570
96th Congress

An Act

To extend the service area for the Sacramento Valley Canals, Central Valley project, California, and for other purposes.

Dec. 22, 1980
[H.R. 2111]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the features authorized under section 2 of the Act of September 26, 1950 (64 Stat. 1036), as amended, and generally consisting of the Tehama-Colusa Canal with all necessary pumping plants and appurtenances, were intended to serve and were thereby authorized to serve those lands in Yolo County, California, lying within the boundaries of the Colusa County and Dunnigan water districts and existing contracts between the Secretary of the Interior and the Colusa County and Dunnigan water districts are hereby validated by the Congress with respect to the inclusion of said districts in the authorized service area of the Tehama-Colusa Canal.

Sacramento Valley Canals, Central Valley project, Calif. Service area extension.

SEC. 2. Section 2 of the Act of September 26, 1950 (64 Stat. 1036), as amended, is further amended by striking the phrase "Tehama, Glenn, and Colusa Counties or" and inserting in lieu thereof the phrase "Tehama, Glenn, and Colusa Counties, and those portions of Yolo County within the boundaries of the Colusa County, Dunnigan, and Yolo-Zamora water districts or".

SEC. 3. Any water service contract hereinafter entered into by the Secretary of the Interior with the Yolo-Zamora Water District shall contain provisions establishing—

Yolo-Zamora Water District.

(a) that water users shall pay for such water at a rate equivalent to the cost of service to the Yolo-Zamora Water District or the district's repayment capacity, whichever is less, but in no case less than the annual operations, maintenance, and replacement costs allocable to the district for service of Central Valley project water, all as determined by the Secretary of the Interior in conformance with reclamation law and in consultation with the district: *Provided,* That the district's repayment capacity and the operations, maintenance, and replacement costs shall be recalculated and revised no less frequently than every five years and the water rates adjusted as appropriate to reflect such revisions;

(b) that any water supply contract between the Secretary and the Yolo-Zamora Water District shall provide that in the event of a dry or critically dry year the water supply provided to the Yolo-Zamora Water District may be reduced by the Secretary for salinity control purposes consistent with administrative and operations practices of the Central Valley project; and

(c) that the lands in the Yolo-Zamora Water District which are classified as class 4 and 6 pursuant to the Secretary of the Interior's classification standards for irrigable lands and which have not previously been under active cultivation shall not be irrigated with project water.

Imperial Irrigation District.
43 USC 423e note.

SEC. 4. The following provisions of the Federal reclamation laws shall not apply to lands within the Imperial Irrigation District of California after the date of enactment of this Act:

(a) section 5 of the Act entitled "An Act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands", approved June 17, 1902 (43 U.S.C. 431);

43 USC 423e.

(b) section 46 of the Act entitled "An Act to adjust water-right charges, to grant certain other relief on the Federal irrigation projects, and for other purposes", approved May 25, 1926 (42 U.S.C. 423e); and

(c) any other provision of law amendatory or supplementary to either of such sections.

Approved December 22, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-600 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 96-907 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD:
Vol. 125 (1979): Nov. 27, considered and passed House.
Vol. 126 (1980): Sept. 4, considered and passed Senate, amended.
Nov. 21, House concurred in Senate amendment with an amendment.
Dec. 12, Senate agreed to House amendment with an amendment.
Dec. 13, House agreed to Senate amendment.

Public Law 96-571
96th Congress

An Act

To provide certain authority for the purchase and sale of electric energy by Federal departments in Alaska, and for other purposes.

Dec. 22, 1980
[S. 1784]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Alaska Federal-Civilian Energy Efficiency Swap Act of 1980.

SHORT TITLE

SECTION 1. This Act shall be referred to as the "Alaska Federal-Civilian Energy Efficiency Swap Act of 1980". 40 USC 795 note.

DEFINITIONS

SEC. 2. As used in this Act— 40 USC 795.

(1) The term "non-Federal electric energy" means electric energy generated by any facility other than a federally owned electric generating facility.

(2) The term "agency" means the head of any department, agency, or instrumentality of the United States.

(3) The term "federally generated electric energy" means any electric power generated by an electric generating facility owned and operated by an agency.

(4) The term "non-Federal person" means any corporation, cooperative, municipality, or other non-Federal entity which generates non-Federal electric energy.

AUTHORITY TO SELL CERTAIN ELECTRIC ENERGY

SEC. 3. (a) For the purposes of conserving oil and natural gas and better utilizing coal, any agency is authorized to sell to any non-Federal person, and to enter into contracts for the sale to any non-Federal person of, electric energy generated by coal-fired electric generating facilities of such agency in Alaska without regard to any provision of law which precludes such sale where such energy is available from other local sources, if the agency determines that— 40 USC 795a.

(1) such energy is generated by an existing coal-fired generating facility;

(2) such energy is surplus to such agency's needs and is in excess of the electric energy specifically generated for consumption by, or necessary to serve the requirements of, any department, agency, or instrumentality of the United States;

(3) the costs to the ultimate consumers of such energy is less than the costs which, in the absence of such sale, would be incurred by such consumers for the purchase of an equivalent amount of energy; and

(4) such sale will result in a reduction in the total consumption of oil or natural gas by the non-Federal person purchasing such electric energy below that consumption which would occur in the absence of such sale.

(b) Federally generated electric energy sold by an agency as provided in subsection (a) shall be priced to recover the fuel costs and variable operation and maintenance costs of the Federal generating facility concerned which costs are attributable to such sale, plus an amount equal to one-half the difference between—

(1) the costs of producing the electric energy by coal generation, and

(2) the costs of producing electric energy by the oil or gas generation being displaced.

PURCHASE AUTHORITY

40 USC 795b.

SEC. 4. For purposes of economy and efficiency and conserving oil and natural gas, whenever practicable and consistent with other laws applicable to any agency and whenever consistent with the requirements applicable to any agency, such agency shall endeavor to purchase electric power from any non-Federal person for consumption in Alaska by any facility of such agency where such purchase—

(1) will result in a savings to other consumers of electric energy sold by such non-Federal person without increasing the cost incurred by any agency for electric energy, or

(2) will result in a cost savings to such agency of electric energy without increasing costs to other consumers of electric energy,

taking into account the remaining useful life of any facility available to such agency to generate electric energy for such agency and the cost of maintaining such facility on a standby basis.

SAVINGS PROVISIONS

40 USC 795c.

SEC. 5. (a) Nothing in this Act shall be construed as requiring or authorizing any department, agency, or instrumentality of the United States to construct any new electric generating facility or related facility, to modify any existing facility, or to employ reserve or standby equipment in order to accommodate the needs of any non-Federal person for electric energy.

(b) Revenues received by any agency pursuant to section 3 of this Act from the sale of electric energy generated from any facility of such agency shall be available to the agency without fiscal year limitation for the purchase of fuel and for operation, maintenance, and other costs associated with such facility.

(c) The authorities of this Act shall be exercised for such periods and pursuant to such terms and conditions as the agency concerned deems necessary consistent with the provisions of this Act and consistent with its responsibilities under other provisions of law.

(d) All contracts or other agreements executed under this Act, notwithstanding any other provision of law, shall be negotiated and executed by the agency selling or purchasing electric energy under this Act.

REPORTS

Submittal to congressional committees.
40 USC 795d.

SEC. 6. (a) The Secretary of Energy shall biennially report to the Senate Committee on Energy and Natural Resources and the Committee on Interstate and Foreign Commerce and the Committee on Interior and Insular Affairs of the House of Representatives on the actions taken pursuant to this Act by any agency. The report shall include an analysis of the costs of electric energy purchased or sold as provided in this Act, the revenues and profits generated from such sales, and the oil and natural gas conserved as a result of any such

purchases and sales. Such agencies shall cooperate with the Secretary of Energy in providing information for the purpose of such report.

(b) The Secretary of Energy shall conduct a study to determine whether and to what extent the provisions of section 3 of this Act should be extended to apply to electric power generated by coal-fired Federal electric generating facilities located in the United States outside of Alaska. The study shall identify such facilities, their capacity and purpose and other pertinent information. The Secretary shall provide by October 1, 1981, a report of such study, together with appropriate recommendations for legislation, to the Committee on Interstate and Foreign Commerce and the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate.

Study.

Submittal to congressional committees.

Approved December 22, 1980.

LEGISLATIVE HISTORY:

SENATE REPORT No. 96-966 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 126 (1980):
Sept. 25, considered and passed Senate.
Dec. 5, considered and passed House, amended.
Dec. 12, Senate agreed to House amendments.

Public Law 96-572
96th Congress

An Act

Dec. 22, 1980
[S. 1148]

To reauthorize title I of the Marine Protection, Research, and Sanctuaries Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Marine Protection, Research, and Sanctuaries Act, title I reauthorization.
33 USC 1420.

SECTION 1. Section 111 of the Marine Protection, Research, and Sanctuaries Act is amended by striking "and" following "1977," and inserting "not to exceed $2,000,000 for each of fiscal year 1980, fiscal year 1981, and fiscal year 1982," immediately after "1978,".

SEC. 2. Section 4 of Public Law 95-153 (33 U.S.C. 1412a) is amended—

(1) by amending subsection (a)—

(A) by inserting "and industrial waste" immediately after "sewage sludge",

(B) by striking out "Public Law 92-532" and inserting in lieu thereof "the Marine Protection, Research, and Sanctuaries Act of 1972",

(C) by inserting ", except as provided in subsections (b) and (c)," immediately before "in no case", and

(D) by striking out "the Marine Protection, Research, and Sanctuaries" and inserting in lieu thereof "such"; and

(2) by striking out subsection (b) and inserting in lieu thereof the following:

Dumping permits.
33 USC 1411.
33 USC 1411.

"(b) After December 31, 1981, the Administrator may issue permits under such title I for the dumping of industrial waste into ocean waters, or into waters described in such section 101(b), if the Administrator determines—

"(1) that the proposed dumping is necessary to conduct research—

"(A) on new technology related to ocean dumping, or

"(B) to determine whether the dumping of such substance will unreasonably degrade or endanger human health, welfare, or amenities, or the marine environment, ecological systems, or economic potentialities;

"(2) that the scale of the proposed dumping is such that the dumping will have minimal adverse impact upon the human health, welfare, and amenities, and the marine environment, ecological systems, and economic potentialities; and

"(3) after consultation with the Secretary of Commerce, that the potential benefits of such research will outweigh any such adverse impact.

Each permit issued pursuant to this subsection shall be subject to such conditions and restrictions as the Administrator determines to be necessary to minimize possible adverse impacts of such dumping. No permit issued by the Administrator pursuant to this subsection may have an effective period of more than six consecutive months.

"(c) After December 31, 1981, the Administrator may issue emergency permits under such title I for the dumping of industrial waste into ocean waters, or into waters described in such section 101(b), if the Administrator determines that there has been demonstrated to exist an emergency, requiring the dumping of such waste, which poses an unacceptable risk relating to human health and admits of no other feasible solution. As used herein, 'emergency' refers to situations requiring action with a marked degree of urgency.

"Emergency."

"(d) For purposes of this section—

"(1) the term 'sewage sludge' means any solid, semisolid, or liquid waste generated by a municipal wastewater treatment plant the ocean dumping of which may unreasonably degrade or endanger human health, welfare, or amenities, or the marine environment, ecological systems, and economic potentialities; and

"Sewage sludge."

"(2) the term 'industrial waste' means any solid, semisolid, or liquid waste generated by a manufacturing or processing plant the ocean dumping of which may unreasonably degrade or endanger human health, welfare, or amenities, or the marine environment, ecological systems, and economic potentialities.".

"Industrial waste."

SEC. 3. Section 102(e) of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended (33 U.S.C. 1412(e)) is further amended—

(1) by inserting after "transportation of material," the words "by an agency or instrumentality of the United States or", and

(2) by striking out "section." and inserting "section: *Provided*, That in the case of an agency or instrumentality of the United States, no application shall be made for a permit to be issued pursuant to the authority of a foreign State Party to the Convention unless the Administrator concurs in the filing of such application.".

SEC. 4. Section 106 of the Marine Protection, Research, and Sanctuaries Act of 1972 is amended by adding at the end thereof a new subsection as follows:

33 USC 1416.

"(f) In addition to other provisions of law and not withstanding the specific exclusion relating to dredged material in the first sentence in section 102(a) of this Act, the dumping of dredged material in Long Island Sound from any Federal project (or pursuant to Federal authorization) or from a dredging project by a non-Federal applicant exceeding 25,000 cubic yards shall comply with the criteria established pursuant to the second sentence of section 102(a) of the Act relating to the effects of dumping. Subsection (d) of this section shall not apply to this subsection.".

Long Island Sound, dumping.

33 USC 1412.

SEC. 5. Title II of the Marine Protection, Research, and Sanctuaries Act is amended by adding at the end thereof the following new section:

New York City, sewage sludge study.
33 USC 1445.

"SEC. 205. The Administrator of the Environmental Protection Agency is authorized to conduct a study to assist the city of New York in evaluating the technological options available for the removal of heavy metals and other toxic organic materials from the sewage sludge of the city of New York. The study shall also examine options available to reduce the amount of such pollutants entering the sewage system. The study is to be completed by July 1, 1981.".

Approved December 22, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-894, pt. 1 (Comm. on Merchant Marine and Fisheries) and No. 96-894, pt. 2 (Comm. on Science and Technology), both accompanying H.R. 6616.

SENATE REPORT No. 96-163 (Comm. on Environment and Public Works).

CONGRESSIONAL RECORD:

Vol. 125 (1979): June 6, considered and passed Senate.

Vol. 126 (1980): May 12, 13, H.R. 6616 considered and passed House; passage vacated and S. 1148, amended, passed in lieu.

Sept. 30, Senate concurred in House amendment with an amendment.

Dec. 3, House concurred in Senate amendment with amendments.

Dec. 12, Senate agreed to House amendments with an amendment.

Dec. 13, House agreed to Senate amendment.

Public Law 96-573
96th Congress

An Act

To set forth a Federal policy for the disposal of low-level radioactive wastes, and for other purposes.

Dec. 22, 1980
[S. 2189]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Low-Level Radioactive Waste Policy Act.

SHORT TITLE

SECTION 1. This Act may be cited as the "Low-Level Radioactive Waste Policy Act".

42 USC 2021b note.

DEFINITIONS

SEC. 2. As used in this Act—

42 USC 2021b.

(1) The term "disposal" means the isolation of low-level radioactive waste pursuant to requirements established by the Nuclear Regulatory Commission under applicable laws.

(2) The term "low-level radioactive waste" means radioactive waste not classified as high-level radioactive waste, transuranic waste, spent nuclear fuel, or byproduct material as defined in section 11 e. (2) of the Atomic Energy Act of 1954.

(3) The term "State" means any State of the United States, the District of Columbia, and, subject to the provisions of Public Law 96-205, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

(4) For purposes of this Act the term "atomic energy defense activities of the Secretary" includes those activities and facilities of the Department of Energy carrying out the function of—

(i) Naval reactors development and propulsion,

(ii) weapons activities, verification and control technology,

(iii) defense materials production,

(iv) inertial confinement fusion,

(v) defense waste management, and

(vi) defense nuclear materials security and safeguards (all as included in the Department of Energy appropriations account in any fiscal year for atomic energy defense activities).

GENERAL PROVISIONS

SEC. 3. (a) Compacts established under this Act or actions taken under such compacts shall not be applicable to the transportation, management, or disposal of low-level radioactive waste from atomic energy defense activities of the Secretary or Federal research and development activities.

42 USC 2021c.

(b) Any facility established or operated exclusively for the disposal of low-level radioactive waste produced by atomic energy defense activities of the Secretary or Federal research and development activities shall not be subject to compacts established under this Act or actions taken under such compacts.

LOW-LEVEL RADIOACTIVE WASTE DISPOSAL

State compacts regarding regional facilities.
42 USC 2021d.

SEC. 4. (a)(1) It is the policy of the Federal Government that—

(A) each State is responsible for providing for the availability of capacity either within or outside the State for the disposal of low-level radioactive waste generated within its borders except for waste generated as a result of defense activities of the Secretary or Federal research and development activities; and

(B) low-level radioactive waste can be most safely and efficiently managed on a regional basis.

(2)(A) To carry out the policy set forth in paragraph (1), the States may enter into such compacts as may be necessary to provide for the establishment and operation of regional disposal facilities for low-level radioactive waste.

Congressional consent.

(B) A compact entered into under subparagraph (A) shall not take effect until the Congress has by law consented to the compact. Each such compact shall provide that every 5 years after the compact has taken effect the Congress may by law withdraw its consent. After January 1, 1986, any such compact may restrict the use of the regional disposal facilities under the compact to the disposal of low-level radioactive waste generated within the region.

Report to Congress and States.

(b)(1) In order to assist the States in carrying out the policy set forth in subsection (a)(1), the Secretary shall prepare and submit to Congress and to each of the States within 120 days after the date of the enactment of this Act a report which—

(A) defines the disposal capacity needed for present and future low-level radioactive waste on a regional basis;

(B) defines the status of all commercial low-level radioactive waste disposal sites and includes an evaluation of the license status of each such site, the state of operation of each site, including operating history, an analysis of the adequacy of disposal technology employed at each site to contain low-level radioactive wastes for their hazardous lifetimes, and such recommendations as the Secretary considers appropriate to assure protection of the public health and safety from wastes transported to such sites;

(C) evaluates the transportation requirements on a regional basis and in comparison with performance of present transportation practices for the shipment of low-level radioactive wastes, including an inventory of types and quantities of low-level wastes, and evaluation of shipment requirements for each type of waste and an evaluation of the ability of generators, shippers, and carriers to meet such requirements; and

(D) evaluates the capability of the low-level radioactive waste disposal facilities owned and operated by the Department of Energy to provide interim storage for commercially generated low-level waste and estimates the costs associated with such interim storage.

(2) In carrying out this subsection, the Secretary shall consult with the Governors of the States, the Nuclear Regulatory Commission, the Environmental Protection Agency, the United States Geological Survey, and the Secretary of Transportation, and such other agencies and departments as he finds appropriate.

Approved December 22, 1980.

LEGISLATIVE HISTORY:

SENATE REPORT No. 96-548 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 126 (1980):
- July 28-30, considered and passed Senate.
- Dec. 3, H.R. 8378 considered and passed House; passage vacated and S. 2189, amended, passed in lieu.
- Dec. 13, Senate agreed to House amendment with amendments; House agreed to Senate amendments.

Public Law 96-574
96th Congress

An Act

Dec. 22, 1980
[H.R. 999]

To amend the Plant Variety Protection Act (7 U.S.C. 2321 et seq.) to clarify its provisions, and for other purposes.

Plant Variety Protection Act, amendment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Plant Variety Protection Act (7 U.S.C. 2321) is amended by striking out "a bureau" and inserting in lieu thereof "an office".

Repeal.

SEC. 2. Section 5 of such Act (7 U.S.C. 2325) is repealed.

SEC. 3. Section 8 of such Act (7 U.S.C. 2328) is amended by striking out "officers" and inserting in lieu thereof "examiners".

SEC. 4. Section 9 of such Act (7 U.S.C. 2329) is amended by (1) striking out "published specifications" and inserting in lieu thereof "descriptions" and (2) striking out "and a file of such other scientific and technical information as may be necessary or practicable".

SEC. 5. Section 10(a)(1) of such Act (7 U.S.C. 2330(a)(1)) is amended by striking out "specifications for plant variety protection" and inserting in lieu thereof "descriptions of plant varieties protected".

SEC. 6. Section 10(b) of such Act (7 U.S.C. 2330(b)) is repealed.

SEC. 7. Section 10(c) of such Act (7 U.S.C. 2330(c)), is redesignated as section 10(b) and is amended by striking out "the useful arts" and inserting in lieu thereof "plant breeding".

SEC. 8. Section 10(d) of such Act (7 U.S.C. 2330(d)) is redesignated as section 10(c) and is amended by striking out "specifications" from the second sentence each time it appears and inserting in lieu thereof "descriptions".

SEC. 9. Section 11 of such Act (7 U.S.C. 2331) is amended by striking out "specifications" and inserting in lieu thereof "descriptions".

SEC. 10. Section 31 of such Act (7 U.S.C. 2371) is amended by striking out all after the first sentence and inserting in lieu thereof the following: "Such fees shall be deposited into the Treasury as miscellaneous receipts. There are hereby authorized to be appropriated such funds as may be necessary to carry out the provisions of this Act.".

SEC. 11. Section 52(3) of such Act (7 U.S.C. 2422(3)) is amended by striking out the last sentence.

SEC. 12. Section 56 of such Act (7 U.S.C. 2426) is amended by changing the period at the end of the second sentence to a comma and adding immediately thereafter the following: "the name of the applicant, and whether the applicant specified that the variety is to be sold by variety name only as a class of certified seed.".

SEC. 13. Section 57 of such Act (7 U.S.C. 2427) is amended by inserting "information regarding" immediately after "for the publication of".

SEC. 14. Section 83(b) of such Act (7 U.S.C. 2483) is amended by striking out "seventeen years" in the first sentence and inserting in lieu thereof "eighteen years".

SEC. 15. Section 84 of such Act (7 U.S.C. 2484) is amended to read as follows:

"Sec. 84. Correction of Plant Variety Protection Office mistake.

7 USC 2484.

"Whenever a mistake in a certificate of plant variety protection incurred through the fault of the Plant Variety Protection Office is clearly disclosed by the records of the Office, the Secretary may issue, without charge, a corrected certificate of plant variety protection, stating the fact and nature of such mistake. Such certificate of plant variety protection shall have the same effect and operation in law as if the same had been originally issued in such corrected form.".

SEC. 16. Section 85 of such Act (7 U.S.C. 2485) is amended to read as follows:

"Sec. 85. Correction of applicant's mistake.

"Whenever a mistake of a clerical or typographical nature, or of minor character, or in the description of the variety, which was not the fault of the Plant Variety Protection Office, appears in a certificate of plant variety protection and a showing has been made that such mistake occurred in good faith, the Secretary may, upon payment of the required fee, issue a corrected certificate if the correction could have been made before the certificate issued. Such certificate of plant variety protection shall have the same effect and operation in law as if the same had been originally issued in such corrected form.".

SEC. 17. Section 91(b) of such Act (7 U.S.C. 2501(b)) is amended by striking out "specification" in the second sentence and inserting in lieu thereof "description".

SEC. 18. Section 93(a) of such Act (7 U.S.C. 2503(a)) is amended by striking out "Specifications" and inserting in lieu thereof "description".

SEC. 19. (a) Section 111(5) of such Act (7 U.S.C. 2541(5)) is amended by striking out "propagation prohibited" and inserting in lieu thereof "'Unauthorized Propagation Prohibited' or 'Unauthorized Seed Multiplication Prohibited'".

(b) Section 127 of such Act (7 U.S.C. 2567) is amended by striking out "the words 'Propagation Prohibited'" and inserting in lieu thereof "either the words 'Unauthorized Propagation Prohibited' or the words 'Unauthorized Seed Multiplication Prohibited'".

(c) Section 128(a)(3) of such Act (7 U.S.C. 2568(a)(3)) is amended by striking out "Use of the phrase 'propagation prohibited' or similar phrase without reasonable basis, a statement of this basis being promptly filed with the Secretary if the phrase is used beyond testing and no application has been filed." and inserting in lieu thereof "Use of either the phrase 'Unauthorized Propagation Prohibited' or 'Unauthorized Seed Multiplication Prohibited' or similar phrase without reasonable basis.".

Repeal.

SEC. 20. Section 144 of such Act (7 U.S.C. 2583) is repealed.

Approved December 22, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1115 (Comm. on Agriculture).
CONGRESSIONAL RECORD, Vol. 126 (1980):
Nov. 17, considered and passed House.
Dec. 8, considered and passed Senate.

Public Law 96-575
96th Congress

An Act

To name a dam and reservoir on the San Gabriel River, Texas, as the "North San Gabriel Dam" and "Lake Georgetown", respectively.

Dec. 22, 1980
[H.R. 4941]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the dam on the San Gabriel River near Georgetown, Texas, authorized by section 203 of the Flood Control Act of 1962, shall hereafter be known and designated as the "North San Gabriel Dam", and the reservoir to be created by such dam shall hereafter be known and designated as "Lake Georgetown". Any law, regulation, document, or record of the United States in which such dam or reservoir is referred to shall be held to refer to such dam as the "North San Gabriel Dam" and to such reservoir as "Lake Georgetown".

North San Gabriel Dam; Lake Georgetown. Designations. 76 Stat. 1180.

SEC. 2. (a) In accordance with section 7 of the Public Buildings Act of 1959, as amended, there is hereby authorized to be appropriated $18,498,000 from the fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended, for major repairs and alterations to public buildings, as follows:

Appropriation authorization.

40 USC 490.

(1) United States Post Office and Courthouse, New Haven, Connecticut, $6,800,000;

(2) Old Post Office Building, Washington, District of Columbia, $11,698,000, in addition to that previously authorized, of which not to exceed $2,000,000 is authorized for the purchase and installation of building furnishings and office equipment.

(b) In accordance with section 7 of the Public Buildings Act of 1959, as amended, there is hereby authorized to be appropriated $27,060,000 to the Federal Aviation Administration for the lease, at a maximum term of twenty years, of technical support facilities at the Technical Center of the Federal Aviation Administration in Atlantic County, New Jersey: *Provided,* That the authorization contained in this subsection shall be effective only upon the proper delegation of authority to the Federal Aviation Administrator from the Administrator of the General Services Administration.

Appropriation authorization. 40 USC 606.

Appropriation authorization.
40 USC 606.

40 USC 490.

SEC. 3. In accordance with section 7 of the Public Buildings Act of 1959, as amended, there is hereby authorized to be appropriated $12,844,000 from the fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended, for the construction of a public building in Redding, California: *Provided*, That the Administrator of General Services shall conduct a design competition to select an architect for the building, said competition to be conducted under such procedures that it shall cost no more than one-half of 1 percent of the cost of the building and shall be conducted under such procedures as will assure that fair compensation for work required from the firms participating in the competition does not exceed that amount.

Approved December 22, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1331 (Comm. on Public Works and Transportation).
CONGRESSIONAL RECORD, Vol. 126 (1980):
Sept. 29, considered and passed House.
Dec. 8, considered and passed Senate, amended.
Dec. 9, House concurred in Senate amendments.

Public Law 96-576
96th Congress

An Act

To name the United States Customs House in Ogdensburg, New York, the "Robert C. McEwen United States Customs House".

Dec. 22, 1980
[H.R. 8345]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Customs House located at 127 North Water Street, Ogdensburg, New York, shall hereafter be known and designated as the "Robert C. McEwen United States Customs House". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "Robert C. McEwen United States Customs House".

Robert C. McEwen United States Customs House. Designation.

SEC. 2. This Act shall take effect on January 3, 1981.

Effective date.

SEC. 3. (a) Any provision of law which provides that any member of a commission, board, committee, advisory group, or similar body is to be appointed by the President pro tempore of the Senate shall be construed to require that the appointment be made—

2 USC 199.

(1) upon recommendation of the Majority Leader of the Senate, if such provision of law specifies that the appointment is to be made on the basis of the appointee's affiliation with the majority political party,

(2) upon the recommendation of the Minority Leader of the Senate, if such provision of law specifies that the appointment is to be made on the basis of the appointee's affiliation with the minority party, and

(3) upon the joint recommendation of the Majority Leader of the Senate and the Minority Leader of the Senate, if such provision of law does not specify that the appointment is to be made on the appointee's affiliation with the majority or minority political party.

(b) The provisions of subsection (a) shall be applicable in the case of appointments made after the date of enactment of this Act pursuant to provisions of law enacted on, before, and after, the date of enactment of this Act.

Appropriation authorization.
40 USC 606.

SEC. 4. In accordance with section 7 of the Public Buildings Act of 1959, as amended, there is hereby authorized to be appropriated $2,459,300 from the fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended, for the repair and alteration of the United States Postal Service Building at 115 East Sixth Avenue, Gary, Indiana.

40 USC 490.

Approved December 22, 1980.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 126 (1980):
Nov. 21, considered and passed House.
Dec. 9, considered and passed Senate, amended.
Dec. 10, House concurred in Senate amendment with an amendment.
Dec. 11, Senate concurred in House amendment.

Public Law 96-577
96th Congress

Joint Resolution

Designating February 11, 1981, "National Inventors' Day".

Dec. 22, 1980
[H.J. Res. 337]

National Inventors' Day. Designation.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in honor of the important role played by inventors in promoting progress in the useful arts and in recognition of the invaluable contribution of inventors to the welfare of our people, February 11, 1981, is hereby designated "National Inventors' Day". The President is authorized and requested to issue a proclamation calling upon the people of the United States to celebrate such day with appropriate ceremonies and activities.

Approved December 22, 1980.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 126 (1980):
Dec. 5, considered and passed House and Senate.

Public Law 96-578
96th Congress

An Act

Dec. 23, 1980
[H.R. 7709]

To amend the Tariff Schedules of the United States to increase the quantity of cigarettes that may be accorded duty-free treatment if acquired in the insular possessions and entered by returning United States residents.

Duty-free cigarettes, increase.
U.S. Tariff Schedules, amendment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subpart A of part 2 to schedule 8 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended—

(1) by striking out ", including not more than 200 cigarettes and 100 cigars," in the superior heading to items 813.30 and 813.31;

(2) by inserting ", and including not more than 200 cigarettes and 100 cigars" immediately after "alcoholic beverages" in item 813.30; and

(3) by amending the article description for item 813.31 to read as follows:

"Articles whether or not accompanying a person, not over $600 in aggregate fair market value in the country of acquisition, including—

"(a) but only in the case of an individual who has attained the age of 21, not more than 4 liters of alcoholic beverages, not more than 1 liter of which shall have been acquired elsewhere than in American Samoa, Guam, or the Virgin Islands of the United States, and

"(b) not more than 1,000 cigarettes, not more than 200 of which shall have been acquired elsewhere than in such insular possessions, and not more than 100 cigars,

if such person arrives directly or indirectly from such insular possessions, not more than $300 of which shall have been acquired elsewhere than in such insular possessions (but this item does not permit the entry of articles not accompanying a person which were acquired elsewhere than in such insular possessions)".

SEC. 2. The amendments made by the first section of this Act shall apply with respect to persons arriving in the United States on or after the 30th day after the date of the enactment of this Act.

Approved December 23, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1360 (Comm. on Ways and Means).
CONGRESSIONAL RECORD, Vol. 126 (1980):
Nov. 17, considered and passed House.
Dec. 15, considered and passed Senate.

Public Law 96-579
96th Congress

An Act

To amend title 37, United States Code, to improve certain special pay and allowance benefits for members of the uniformed services, and for other purposes.

Dec. 23, 1980
[H.R. 7626]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Military Pay and Allowances Benefits Act of 1980.

SHORT TITLE

SECTION 1. This Act may be cited as the "Military Pay and Allowances Benefits Act of 1980".

37 USC 101 note.

SPECIAL PAY FOR NUCLEAR DUTY

SEC. 2. (a)(1) Subsection (a) of section 312 of title 37, United States Code, is amended by striking out "$5,000" and "$4,000" and inserting in lieu thereof "$7,000" and "$5,600".

(2) Subsection (e) of such section is amended by striking out "September 30, 1981" and inserting in lieu thereof "September 30, 1987".

(b)(1) Section 312b of such title is amended—

37 USC 312b.

(A) by redesignating subsections (a), (b), and (c) as subsections (b), (c), and (d), respectively; and

(B) by inserting above subsection (b), as redesignated by clause (A), the following new subsection (a):

"(a)(1) Under regulations prescribed by the Secretary of the Navy, an individual who is selected for officer naval nuclear power training and who executes a written agreement to participate in a program of training for duty in connection with the supervision, operation, and maintenance of naval nuclear submarine propulsion plants may be paid a bonus of $3,000 upon acceptance by the Secretary of the written agreement.

Bonus.

"(2) Under such regulations, and subject to such exceptions, as the Secretary of the Navy may prescribe, an individual who has entered into an agreement with the Secretary under this subsection, who has been paid a bonus under this subsection, and who fails to commence or satisfactorily complete the nuclear power training specified in the agreement shall be required to refund such bonus.".

Refund.

(2) Subsection (c) of section 312b of such title, as redesignated by paragraph (1)(A), is amended by striking out "subsection (a)" and inserting in lieu thereof "subsections (a) and (b)".

(3) Subsection (d) of section 312b of such title, as redesignated by paragraph (1)(A), is amended by striking out "September 30, 1981" and inserting in lieu thereof "September 30, 1987".

(c)(1) Subsection (a) of section 312c of such title is amended by striking out "$4,000 for each nuclear service year beginning after September 30, 1975, and ending before October 1, 1981" and inserting in lieu thereof "$6,000 for each nuclear service year ending before October 1, 1987".

37 USC 312c.

(2) Subsection (b) of such section is amended by striking out "$2,400 for each nuclear service year beginning after September 30, 1975, and ending before October 1, 1981" and inserting in lieu thereof "$3,500 for each nuclear service year ending before October 1, 1987".

(3) Subsection (e) of such section is amended to read as follows:

"Nuclear service year."

"(e) For the purposes of this section, a 'nuclear service year' is any fiscal year beginning before October 1, 1987.".

Effective dates.
37 USC 312 note.

(d)(1) The amendments made by subsection (a)(1) shall apply only with respect to active-duty agreements under section 312 of title 37, United States Code, executed on or after the first day of the first month following the month in which this section is enacted.

37 USC 312b note.
Ante, p. 3359.

(2) The amendments made by subsection (b)(1) shall apply only with respect to agreements executed under section 312b(a) of title 37, United States Code, executed on or after the first day of the first month following the month in which this section is enacted.

37 USC 312c note.

(3) The amendments made by subsection (c) shall become effective on the first day of the first month following the month in which this section is enacted.

INCENTIVE PAY FOR SUBMARINE DUTY

SEC. 3. (a) Section 301(a) of title 37, United States Code, is amended by striking out clauses (2) and (3) and redesignating clauses (4) through (12) as clauses (2) through (10), respectively.

(b) Section 301(b) of such title is amended—

(1) by striking out "(1)" after the subsection designation "(b)"; and

(2) by striking out paragraph (2).

(c) Section 301(c) of such title is amended by striking out "clause (4), (5), (6), (7), (8), (9), (10), (11), or (12)" and inserting in lieu thereof "clause (2), (3), (4), (5), (6), (7), (8), (9), or (10)".

(d) Title 37, United States Code, is amended by inserting after section 301b the following new section:

37 USC 301c.

§ 301c. Incentive pay: submarine duty

"(a)(1) Subject to regulations prescribed by the President, a member of the Navy who is entitled to basic pay is also entitled to submarine duty incentive pay in the amount set forth in subsection (b) of this section for the frequent and regular performance of operational submarine duty required by orders.

"(2) Submarine duty incentive pay shall be restricted to members who hold or are in training leading to a submarine duty designator and who are in and remain in the submarine service on a career basis.

37 USC 205.

"(3) To be entitled to continuous monthly submarine duty incentive pay through 26 years of service (as computed under section 205 of this title), a member must perform operational submarine duties for at least 6 of the first 12, and at least 10 of the first 18, years of his submarine service. However, if a member performs the prescribed operational submarine duties for at least 8 but less than 10 of the first 18 years of his submarine service, he is entitled to continuous monthly submarine duty incentive pay for the first 22 years of his service (as computed under section 205 of this title).

"(4) If upon completion of either 12 or 18 years of submarine service it is determined that a member has failed to perform the minimum prescribed operational submarine duty requirements during the prescribed periods of time, his entitlement to continuous monthly submarine duty incentive pay ceases. If entitlement to continuous monthly submarine duty incentive pay ceases upon completion of 12 years of submarine service, entitlement to that pay may again commence upon completion of 18 years of submarine service if the minimum operational submarine duty requirements have been met, and such pay shall continue for the period of time prescribed in accordance with this section. However, if entitlement to continuous monthly submarine duty incentive pay ceases in the case of any member at the completion of either 12 or 18 years of submarine service or 26 years of service (as computed under section 205 of this title), such member shall be entitled to that pay in the amount set forth in subsection (b) of this section for the performance of subsequent operational submarine duty, or for the performance of service as a member of a submarine operational command staff, if such member's duties require serving on a submarine during underway operations.

Definitions.

"(5) For the purposes of this section, the term—

"(A) 'Operational submarine duty' means duty—

"(i) while attached under competent orders to a submarine, while undergoing training preliminary to assignment to a nuclear-powered submarine, while undergoing rehabilitation after assignment to a nuclear-powered submarine, or, in the case of a member qualified in submarines, while attached as a member of a submarine operational command staff whose duties require serving on a submarine during underway operations—

"(I) during one calendar month: 48 hours, except that hours served underway in excess of 48 as a member of a submarine operational command staff during any of the immediately preceding five calendar months and not already used to qualify for incentive pay may be applied to satisfy the underway time requirements for the current month;

"(II) during any two consecutive calendar months when the requirements of subclause (I) of this clause have not been met: 96 hours; or

"(III) during any three consecutive calendar months when the requirements of subclause (II) of this clause have not been met: 144 hours;

"(ii) while receiving instruction to prepare for assignment to a submarine of advanced design, or

"(iii) while receiving instruction to prepare for a position of increased responsibility on a submarine.

"(B) 'Submarine service' means the service performed, under regulations prescribed by the Secretary of the Navy, by a member, and the years of submarine service are computed beginning with the effective date of the initial order to perform submarine service.

"(b) A member who meets the requirements prescribed in subsection (a) of this section is entitled to monthly submarine duty incentive pay as follows:

"ENLISTED MEMBERS

"Pay grade	Years of service computed under section 205						
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10
E-9	$165	$165	$165	$200	$220	$230	$235
E-8	165	165	165	185	200	220	230
E-7	165	165	165	185	190	195	205

"ENLISTED MEMBERS—Continued

"Pay grade	Years of service computed under section 205						
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10
E-6	115	125	130	160	170	180	190
E-5	105	115	115	130	140	145	145
E-4	60	70	75	125	130	130	130
E-3	60	65	70	70	105	65	65
E-2	55	65	65	65	65	65	65
E-1	55	55	55	55	55	55	55

"Pay grade	Years of service computed under section 205						
	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26
E-9	$245	$255	$265	$265	$265	$265	$265
E-8	235	245	245	255	255	255	255
E-7	220	230	230	230	230	230	230
E-6	195	195	195	195	195	195	195
E-5	145	145	145	145	145	145	145
E-4	130	130	130	130	130	130	130
E-3	65	65	65	65	65	65	65
E-2	65	65	65	65	65	65	65
E-1	55	55	55	55	55	55	55

"COMMISSIONED OFFICERS

"Pay grade	Years of service computed under section 205						
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10
O-10	$265	$265	$265	$265	$265	$265	$265
O-9	265	265	265	265	265	265	265
O-8	265	265	265	265	265	265	265
O-7	265	265	265	265	265	265	265
O-6	440	440	440	440	440	440	440
O-5	440	440	440	440	440	440	440
O-4	270	270	270	300	440	440	440
O-3	265	265	265	290	440	440	440
O-2	175	175	175	175	175	175	265
O-1	130	130	130	130	130	130	265

"Pay grade	Years of service computed under section 205						
	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26
O-10	$265	$265	$265	$265	$265	$265	$265
O-9	265	265	265	265	265	265	265
O-8	265	265	265	265	265	265	265
O-7	265	265	400	395	395	305	265
O-6	440	440	440	395	395	305	265
O-5	440	440	440	395	395	350	265
O-4	440	440	440	395	395	350	265
O-3	440	440	440	395	395	350	265
O-2	265	265	265	265	265	265	265
O-1	265	265	265	265	265	265	265

"WARRANT OFFICERS

"Pay grade	Years of service computed under section 205													
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26
W-4	$175	$230	$230	$230	$265	$265	$265	$265	$265	$265	$265	$265	$265	$265
W-3	175	230	230	230	265	265	265	265	265	265	265	265	265	265
W-2	175	230	230	230	265	265	265	265	265	265	265	265	265	265
W-1	175	230	230	230	265	265	265	265	265	265	265	265	265	265

"(c)(1) An officer who fails of selection for assignment as an executive officer or commanding officer of a submarine or who declines to serve in either such position may not be paid submarine duty incentive pay except for periods during which the officer is serving on a submarine during underway operations.

"(2) An enlisted member may not be paid continuous submarine duty incentive pay while serving ashore between submarine sea duty assignments unless the member has a sufficient period of enlistment (including any extension of an enlistment) remaining to be reassigned to submarine sea duty.

"(d) Under regulations prescribed by the President and to the extent provided for by appropriations, when a member of the Naval Reserve who is entitled to compensation under section 206 of this title, performs, under orders, duty on a submarine during underway operations, he is eligible for an increase in such compensation equal to one-thirtieth of the monthly incentive pay authorized by subsection (b) of this section for the performance of that duty by a member of a corresponding grade and years of service who is entitled to basic pay. Such a member is eligible for the increase for each day served, for as long as he is qualified for it, during each regular period of appropriate duty.

37 USC 206.

"(e) The Secretary of Defense shall report to the Congress before January 1 each year—

Report to Congress.

"(1) the number of enlisted members and officers, by pay grade, who, during the preceding fiscal year, had at least 12 but less than 18 years of submarine service and who were entitled to continuous monthly submarine duty incentive pay under subsection (a) of this section; and

"(2) the number of enlisted members and officers, by pay grade, who, during such fiscal year, had at least 18 years of submarine service and who were entitled to such incentive pay.

The Secretary shall include in each such report the number of enlisted members and the number of officers in each category referred to in the first sentence of this subsection, the number of such officers who, during the fiscal year concerned, were performing operational submarine duties, who were performing submarine command staff duties, and who were not performing submarine duties at all.".

(e) The table of sections at the beginning of chapter 5 of such title is amended by inserting after the item relating to section 301b the following new item:

"301c. Incentive pay: submarine duty.".

37 USC 308.

(f) Section 308 of such title is amended by redesignating subsections (e) and (f) as subsections (f) and (g), respectively, and by inserting after subsection (d) the following new subsection (e):

"(e) Any period of enlistment (including any extension of an enlistment)—

"(1) which is incurred by a member for the purpose of continuing to qualify for continuous submarine duty incentive pay under section 301c of this title; and

"(2) for which no bonus is otherwise payable under this section,

may, under regulations prescribed by the Secretary of the Navy, be considered as part of an immediately subsequent term of reenlistment, or as part of an immediately subsequent voluntary extension of an enlistment, for the purpose of determining the eligibility of the member for a bonus under this section and for the purpose of computing the amount of such bonus.".

Effective date.
37 USC 301c note.

(g) The amendments made by this subsection shall become effective on the first day of the first month following the month in which this Act is enacted.

SPECIAL PAY FOR CAREER SEA DUTY

SEC. 4. (a) Section 305a of title 37, United States Code, is amended to read as follows:

"§ 305a. Special pay: career sea pay

"(a) Under regulations prescribed by the President, a member of a uniformed service who is entitled to basic pay is also entitled, while on sea duty, to special pay at the applicable rate under subsection (b) of this section.

"(b) The monthly rates for special pay under subsection (a) of this section are as follows:

"ENLISTED MEMBERS

"Pay grade	Years of sea duty						
	1 or less	Over 1	Over 2	Over 3	Over 4	Over 5	Over 6
E-4	$50	$60	$125	$160	$175	$175	$175
E-5	60	70	140	175	185	190	205
E-6	125	135	170	190	210	215	225
E-7	135	145	215	235	255	260	265
E-8	165	180	225	255	265	270	280
E-9	175	195	235	265	280	290	310

"Pay grade	Years of sea duty					
	Over 7	Over 8	Over 9	Over 10	Over 11	Over 12
E-4	$175	$175	$175	$175	$175	$175
E-5	220	220	220	220	220	220
E-6	235	245	255	255	255	255
E-7	265	270	275	280	300	310
E-8	285	290	300	310	310	310
E-9	310	310	310	310	310	310

"WARRANT OFFICERS

"Pay grade	Years of sea duty						
	1 or less	Over 1	Over 2	Over 3	Over 4	Over 5	Over 6
W-1	$130	$135	$140	$150	$170	$175	$200
W-2	150	150	150	150	170	260	265
W-3	150	150	150	150	170	270	280
W-4	150	150	150	150	170	290	310

"Pay grade	Years of sea duty					
	Over 7	Over 8	Over 9	Over 10	Over 11	Over 12
W-1	$250	$270	$275	$280	$290	$300
W-2	265	270	275	280	290	310
W-3	285	290	300	310	310	310
W-4	310	310	310	310	310	310

"COMMISSIONED OFFICERS

"Pay grade	Years of sea duty				
	Over 3	Over 4	Over 5	Over 6	Over 7
O-1[1]	$150	$160	$185	$190	$195
O-2[1]	150	160	185	190	195
O-3	150	160	185	190	195
O-4	185	190	200	205	215
O-5	225	225	225	225	230
O-6	225	230	230	240	255

"Pay grade	Years of sea duty				
	Over 8	Over 9	Over 10	Over 11	Over 12
O-1[1]	$205	$215	$225	$225	$240
O-2[1]	205	215	225	225	240
O-3	205	215	225	225	240
O-4	215	220	225	225	240
O-5	245	250	260	265	265
O-6	265	280	290	300	310

"[1] Commissioned officers with at least four years of active service as enlisted members or as noncommissioned warrant officers.

"(c) Under regulations prescribed by the President, a member of a uniformed service who is entitled to career sea pay under this section who has served 36 consecutive months of sea duty is entitled to a career sea pay premium of $100 a month for the thirty-seventh consecutive month and each subsequent consecutive month of sea duty served by such member.

"Sea duty."

"(d) For the purposes of this section, the term 'sea duty' means duty performed by a member—

"(1) while permanently or temporarily assigned to a ship, ship-based staff, or ship-based aviation unit and while serving on a ship the primary mission of which is accomplished while underway; or

"(2) while permanently or temporarily assigned to a ship or ship-based staff and while serving on a ship the primary mission of which is normally accomplished while in port, but only during a period that the ship is away from its homeport for 30 consecutive days or more.

A ship is considered away from its homeport for purposes of clause (B) of the first sentence when it is at sea or in a port that is more than 50 miles from its homeport.".

Effective date.
37 USC 305a note.

(b) The amendment made by this section shall be effective with respect to special pay payable under section 305a of title 37, United States Code, for months after the month in which this section is enacted.

INCENTIVES FOR ENLISTED MEMBERS TO EXTEND TOURS OF DUTY OVERSEAS

Sec. 5. (a)(1) Chapter 5 of title 37, United States Code, is amended by adding at the end thereof the following new section:

37 USC 314.

"§ 314. Special pay: qualified enlisted members extending duty at designated locations overseas

"(a) Under regulations prescribed by the Secretary concerned, an enlisted member of an armed force who—

"(1) is entitled to basic pay;

"(2) has a specialty that is designated by the Secretary concerned for the purposes of this section;

"(3) has completed a tour of duty (as defined in accordance with regulations prescribed by the Secretary concerned) at a location outside the 48 contiguous States and the District of Columbia that is designated by the Secretary concerned for the purposes of this section; and

"(4) at the end of that tour of duty executes an agreement to extend that tour for a period of not less than one year;

is entitled, upon acceptance of the agreement providing for such extension by the Secretary concerned, to special pay for duty performed during the period of the extension at a rate of not more than $50 per month, as prescribed by the Secretary concerned.

Infra.

"(b) A member who elects to receive rest and recuperative absence or transportation at Government expense, or any combination thereof, under section 705 of title 10 is not entitled to the special pay authorized by this section for the period of extension of duty for which the rest and recuperative absence or transportation is authorized.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item

"314. Special pay: qualified enlisted members extending duty at designated locations overseas.".

(b)(1) Chapter 40 of title 10, United States Code, is amended by adding at the end thereof the following new section:

10 USC 705.

"§ 705. Rest and recuperative absence for qualified enlisted mem bers extending duty at designated locations overseas

"(a) Under regulations prescribed by the Secretary concerned, a enlisted member of an armed force who—

"(1) is entitled to basic pay;

"(2) has a specialty that is designated by the Secretary con cerned for the purposes of this section;

"(3) has completed a tour of duty (as defined in accordance wit regulations prescribed by the Secretary concerned) at a locatio outside the 48 contiguous States and the District of Columbia that is designated by the Secretary concerned for the purposes of this section; and

"(4) at the end of that tour of duty executes an agreement to extend that tour for a period of not less than one year;

may, in lieu of receiving special pay under section 314 of title 37 for duty performed during such extension of duty, elect to receive one of the benefits specified in subsection (b). Receipt of any such benefit is in addition to any other leave or transportation to which the member may be entitled.

"(b) The benefits authorized by subsection (a) are—

"(1) a period of rest and recuperative absence for not more than 30 days; or

"(2) a period of rest and recuperative absence for not more than 15 days and round-trip transportation at Government expense from the location of the extended tour of duty to the nearest port in the 48 contiguous States and return.

"(c) The provisions of this section shall not be effective unless the Secretary concerned determines that the application of this section will not adversely affect combat or unit readiness.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"705. Rest and recuperative absence for qualified enlisted members extending duty at designated locations overseas.".

Effective dates. 37 USC 314 note.

(c)(1) Section 314 of title 37, United States Code, as added by subsection (a), shall take effect on the first day of the first month following the month in which this section is enacted and shall apply to periods of extended duty overseas beginning before, on, or after such date, but no payment may be made under such section for any month before the first day of the first month following the month in which this section is enacted.

10 USC 705 note.

(2) Section 705 of title 10, United States Code, as added by subsection (b), shall take effect upon the date of the enactment of this section and shall apply only with respect to periods of extended duty overseas beginning on or after such date of enactment.

BASIC ALLOWANCE FOR QUARTERS IN LIEU OF ASSIGNED QUARTERS FOR CERTAIN MEMBERS WITHOUT DEPENDENTS

Sec. 6. (a) The second sentence of subsection (b) of section 403 of title 37, United States Code, is amended—

(1) by striking out "except as provided by regulations prescribed under" and inserting in lieu thereof "subject to the provisions of"; and

(2) by striking out "commissioned officer" and "C-3" and inserting in lieu thereof "member" and "F-6", respectively.

(b) Subsection (c) of such section is amended to read as follows:

"(c)(1) A member of a uniformed service without dependents is not entitled to a basic allowance for quarters while he is on field duty unless his commanding officer certifies that the member was necessarily required to procure quarters at his expense.

"(2) A member of a uniformed service without dependents who is in a pay grade below pay grade E-7 is not entitled to a basic allowance for quarters while he is on sea duty. A member of a uniformed service without dependents who is in a pay grade above E-6 and who is on sea duty is not entitled to a basic allowance for quarters while the unit to which he is assigned is deployed for a period in excess of 90 days.

"(3) For the purposes of this subsection, duty for a period of less than three months is not considered to be field duty or sea duty.".

(c) Subsection (j) of such section is amended—

(1) by inserting "(1)" after the subsection designation "(j)"; and

(2) by adding the following new paragraph:

"(2) The Secretary concerned may deny the right to make an election under subsection (b) of this section if he determines that the exercise of such an election would adversely affect military discipline or military readiness.".

37 USC 403 note. (d) The amendments made by this section shall only apply to payment of basic allowance for quarters for months after September 1980.

CHARGES FOR PARKING FACILITIES FOR HOUSE TRAILERS AND MOBILE HOMES

SEC. 7. Section 403 of title 37, United States Code, is amended by adding at the end thereof the following new subsection:

"(k) Parking facilities (including utility connections) provided members of the uniformed services for house trailers and mobile homes not owned by the Government shall not be considered to be quarters for the purposes of this section or any other provision of law. Any fee established by the Government for the use of such a facility shall be established in an amount sufficient to cover the cost of maintenance, services, and utilities and to amortize the cost of construction of the facility over the 15-year period beginning with the completion of such construction.".

PERMANENT AUTHORITY FOR SUBSISTENCE ALLOWANCES FOR MEMBERS OF MARINE CORPS OFFICER CANDIDATE PROGRAMS

SEC. 8. Section 209(d) of title 37, United States Code, relating to members of precommissioning programs, is amended—

(1) by striking out "(1)" after the subsection designation "(b)"; and

(2) by striking out paragraph (2).

REPEAL OF AUTHORITY TO WAIVE CERTAIN PROVISIONS RELATING TO THE ENLISTMENT AND INDUCTION OF PERSONS INTO THE ARMED FORCES

SEC. 9. Section 520 of title 10, United States Code, is amended—

(1) by striking out the subsection designation "(a)"; and

(2) by striking out subsection (b).

ACCRUED LEAVE

SEC. 10. Section 701(f) of title 10, United States Code, is amended by inserting "or a member assigned to a deployable ship, mobile unit, or to other duty designated for the purpose of this section," after "title 37".

REVISION ON DEFINITION OF "REGULAR COMPENSATION" AND "REGULAR MILITARY COMPENSATION (RMC)"

SEC. 11. Paragraph (25) of section 101 of title 37, United States Code, is amended by inserting "(including any variable housing allowance or station housing allowance)" after "basic allowance for quarters".

TERMS OF OFFICE OF JUDGES OF THE UNITED STATES COURT OF MILITARY APPEALS; APPLICATION OF THE ETHICS IN GOVERNMENT ACT OF 1978 TO THE JUDGES AND EMPLOYEES OF SUCH COURT

SEC. 12. (a) Section 867(a)(1) (article 67(a)(1)) of title 10, United States Code, is amended by striking out the third sentence.

(b) The term of office of a judge of the United States Court of Military Appeals serving on such court on the date of the enactment of this Act shall expire (1) on the date the term of such judge would have expired under the law in effect on the day before such date of enactment, or (2) ten years after the date on which such judge took office as a judge of the United States Court of Military Appeals, whichever is later. 10 USC 867 note.

(c) Section 308 of the Ethics in Government Act of 1978 (28 U.S.C. App. 308) is amended—

(1) by inserting "United States Court of Military Appeals;" in paragraph (9) after "Tax Court;"; and

(2) by striking out "or of the Tax Court" in paragraph (10) and inserting in lieu thereof ", of the Tax Court, or of the United States Court of Military Appeals".

TERMS OF CERTAIN MEMBERS OF THE BOARD OF VISITORS TO THE SERVICE ACADEMIES

SEC. 13. (a) Section 4355(b) of title 10, United States Code, is amended to read as follows:

"(b) The persons designated by the President serve for three years each except that any member whose term of office has expired shall continue to serve until his successor is appointed. The President shall designate two persons each year to succeed the members whose terms expire that year.".

(b) Section 6968(b) of such title is amended to read as follows: 10 USC 6968.

"(b) The persons designated by the President serve for three years each except that any member whose term of office has expired shall continue to serve until his successor is appointed. The President shall designate two persons each year to succeed the members whose terms expire that year.".

(c) Section 9355(b) of such title is amended to read as follows: 10 USC 9355.

"(b) The persons designated by the President serve for three years each except that any member whose term of office has expired shall continue to serve until his successor is appointed. The President shall designate two persons each year to succeed the members whose terms expire that year.".

Approved December 23, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT: No. 96-1230 (Comm. on Armed Services).
SENATE REPORT: No. 96-1051 (Comm. on Armed Services).
CONGRESSIONAL RECORD, Vol. 126 (1980):
Sept. 15, considered and passed House.
Dec. 4, considered and passed Senate, amended.
Dec. 5, House concurred in Senate amendment.

Public Law 96-580
96th Congress

An Act

Dec. 23, 1980
[S. 3096]

To amend the Wild and Scenic Rivers Act to authorize the acquisition of certain lands in Douglas County, Wisconsin.

Wild and Scenic Rivers Act, amendment.

***Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That paragraph (6) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274) is amended by adding at the end thereof the following new sentence: "A one-thousand-three-hundred-and-eighty-acre portion of the area commonly known as the Velie Estate, located adjacent to the Saint Croix River in Douglas County, Wisconsin, as depicted on the map entitled 'Boundary Map/Velie Estate—Saint Croix National Scenic Riverway', dated September 1980, and numbered 630-90,001, may be acquired by the Secretary without regard to any acreage limitation set forth in subsection (b) of this section or subsection (a) or (b) of section 6 of this Act.".**

Approved December 23, 1980.

LEGISLATIVE HISTORY:

SENATE REPORT No. 96-1024 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 126 (1980):
Dec. 9, considered and passed Senate.
Dec. 10, considered and passed House.

Public Law 96-581
96th Congress

An Act

To authorize the Secretary of Agriculture to convey certain lands in the State of Arizona, to authorize the Secretary of the Interior to convey certain interests in lands in the State of Arizona, to amend the Act of March 14, 1978 (92 Stat. 154), and for other purposes.

Dec. 23, 1980
[S. 1985]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of Agriculture (hereafter in this section referred to as the "Secretary") is authorized to convey by quitclaim deed, subject to the provisions of subsections (b) and (c) of this section, all right, title, and interest of the United States in and to the following described tract of lands and improvements thereon:

State of Arizona.
Certain lands,
conveyance.

GILA AND SALT RIVER MERIDIAN

(Coconino County, Arizona)

Township 21 North, Range 7 East

Section 15:
North half northeast quarter,
Northeast quarter northwest quarter,
Northeast quarter southeast quarter northwest quarter northwest quarter,
North half southeast quarter southeast quarter northwest quarter northwest quarter.
Section 16:
South half northeast quarter northeast quarter northwest quarter,
Northwest quarter northeast quarter northwest quarter,
South half northeast quarter northwest quarter,
Northwest quarter northwest quarter,
North half northeast quarter southwest quarter northwest quarter,
Southeast quarter northeast quarter southwest quarter northwest quarter,
North half northwest quarter southwest quarter northwest quarter,
East half southeast quarter southwest quarter northwest quarter,
Southeast quarter northwest quarter.

The area described contains 256.25 acres more or less.

(b)(1) Any conveyances pursuant to subsection (a) of this section shall be conditioned upon the Secretary entering into agreements or land exchanges, sufficient to assure the Secretary that any party with whom such agreements or land exchanges are to be made will construct on a site to be determined by the Secretary, administrative improvements equal in value to the lands and improvements authorized to be conveyed by subsection (a) of this section. The lands and improvements may be conveyed by a series of transactions or land exchanges.

Depositing cash.

(2) Each party to whom conveyances are to be made may, in the discretion of the Secretary, deposit cash in an amount not less than the fair market value, to be determined at the time of conveyance, of the lands and improvements conveyed. The cash so received shall be deposited into a special fund in the Treasury which when appropriated is authorized to remain available until expended by the Secretary for the purposes of constructing administrative improvements as described in this Act. If the value of any land and improvements thereon authorized to be conveyed by subsection (a) of this section exceeds the value of administrative improvements determined to be necessary by the Secretary to be constructed with respect to such land under this Act, the party to whom such conveyance is to be made shall make a cash payment to the United States in an amount equal to such difference in value.

Flagstaff Medical Regional Center.

(c)(1) Of the tract of land described in subsection (a) of this section, the Secretary shall offer to sell at the fair market value, as determined on the date of enactment of this Act, to the Flagstaff Medical Regional Center, Flagstaff, Arizona, not to exceed 18.25 acres immediately adjacent to said Flagstaff Medical Regional Center and to the city of Flagstaff, Arizona, not to exceed 132.5 acres, under special use permit in effect on the date of enactment of this Act to the city of Flagstaff. Such offers to sell to the Flagstaff Medical Regional Center and to the city of Flagstaff shall remain in effect for periods of not to exceed 3 years and 10 years, respectively. Subject to the limitations contained in this paragraph, the city of Flagstaff and the Flagstaff Medical Regional Center may identify any specific tracts of land they want to purchase.

Public offers.

(2) Except for any land to be conveyed to the Flagstaff Medical Regional Center and the city of Flagstaff, the Secretary shall solicit public offers for the remaining lands and improvements authorized under subsection (a) of this section. All offers shall be publicly opened at the time and place stated in the solicitation in accordance with the administrative requirements of the Secretary. The Secretary shall consider price and land values before entering into agreements or land exchanges with any party whose offer conforming to the solicitation notice is determined by the Secretary to be most advantageous to the Government. Notwithstanding any other provision of this Act, the Secretary may reject any offer if the Secretary determines that such rejection is in the public interest.

Sec. 2. (a) The Secretary of the Interior (hereafter in this section referred to as the Secretary) shall convey by quitclaim deed, without consideration, to the owners that appear on record in the office of the county recorder, Pima County, Arizona, any right, title, or interest, including any mineral rights, which the United States may have in and to the real property described in subsection (b) of this section.

(b) The real property referred to in subsection (a) of this section consists of four separate strips of land that extend for a total distance of nearly four miles, designated as roadways in a certain White Survey, dated December 15, 1876, made pursuant to an Act of Congress dated February 5, 1875, crossing sections 2, 11, and 14, and the east half of sections 3 and 10 of township 14 south, range 13 east of the Gila and Salt River base and meridian, in Pima County, Arizona.

18 USC 305.

Quitclaim deed.

(c) As soon as practicable after the date of enactment of this Act, the Secretary shall cause to be prepared a quitclaim deed effecting the title transfer described in section 1, and shall record such deed in the office of the county recorder, Pima County, Arizona.

(d) Within one year after the date of enactment of this Act, the Secretary shall notify all individuals or other legal entities which, as of the date of such notice, appear upon the tax rolls of Pima County, Arizona, as the owners of lands referred to in subsection (b) of this section, or of interests in such lands—

(1) of the conveyance by the United States of its interests in such lands under section 1 of this Act,

(2) of the possible defect in the title to such lands resulting from such interests of the United States, and

(3) of the opportunity to record a quitclaim deed evidencing the conveyance described in subsection (a) of this section in the records of the affected grantee.

20 USC 238 note.

SEC. 3. The Act of March 14, 1978 (92 Stat. 154), is amended as follows:

(a) In section 1(a), in the first sentence, delete the phrase "two-year", and change "September 30, 1980" to "September 30, 1985"; and

Appropriation authorization.

(b) In section 1(c) strike the second sentence in its entirety and insert the following: "There is authorized to be appropriated an amount not to exceed $1,500,000 annually for fiscal years 1979 through 1982 to carry out the provisions of this Act: *Provided*, That any appropriations made pursuant to this Act shall be reduced by the amount of any payments made to said districts pursuant to the Acts of September 23, 1950 (64 Stat. 906), as amended (20 U.S.C. 631 et seq.), and September 30, 1950 (64 Stat. 1100), as amended (20 U.S.C. 236 et seq.). For the authorizations made in this subsection, any amounts authorized but not appropriated in any fiscal year shall remain available for appropriation in succeeding fiscal years.".

SEC. 4. Any mining claim located under the Mining Laws of the United States subsequent to June 18, 1879, and prior to January 17, 1969, in the northwest quarter of the northwest quarter of section 9, township 1 north, range 5 east of the Gila and Salt River base and meridian, State of Arizona, shall be effective to the same extent in all respects as if such lands at the time in location, and at all times thereafter had been open to the operation of the Mining Laws of the United States: *Provided, however*, That the claimants have complied with all requirements of the Mining Laws of the United States, including section 314 of the Federal Land Policy and Management Act of 1976 and that the claims would be subject to any valid intervening rights by private parties under the laws of the United States.

43 USC 1744.

Approved December 23, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1473, accompanying S. 1985 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 96-954 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 126 (1980):
Sept. 24, considered and passed Senate.
Nov. 21, considered and passed House, amended.
Dec. 9, Senate concurred in House amendments.

Public Law 96-582
96th Congress

An Act

Dec. 23, 1980
[H.R. 8195]

To amend the Railroad Retirement Act of 1974 to extend certain cost-of-living increases.

Railroad Retirement Act of 1974, amendments.
45 USC 231b.
Cost-of-living increase, extension.
45 USC 231a.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(g) of the Railroad Retirement Act of 1974 is amended by inserting "(1)" after "(g)" and by inserting at the end thereof the following new subdivision:

"(2) Those portions of the annuity of an individual as are computed under subsections (b) and (d) of this section shall, if such individual's annuity under section 2(a)(1) of this Act began to accrue on or before June 1, 1981, be increased by 32.5 per centum of the percentage increase, if any (rounded to the nearest one-tenth of 1 per centum), obtained by comparing the unadjusted Consumer Price Index for the calendar quarter ending March 31, 1981, with such index for the calendar quarter ending March 31, 1980. The unadjusted Consumer Price Index for any calendar quarter shall be the arithmetical mean of such index for the three months in such quarter. The increase provided under this subdivision shall be effective on June 1, 1981.".

REPORT ON RECOMMENDATIONS

Report to congressional committees.

SEC. 2. No later than March 1, 1981, representatives of employees and representatives of carriers, acting through a group designated by them, shall submit to the Senate Committee on Labor and Human Resources and the House of Representatives Committee on Interstate and Foreign Commerce a report containing their joint recommendations for further restructuring of the railroad retirement system in a manner which will assure the long-term actuarial soundness of such system.

Effective date.
45 USC 231b note.

SEC. 3. The provisions of this Act shall take effect on the date of the enactment of this Act.

Approved December 23, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1437 (Comm. on Interstate and Foreign Commerce).
CONGRESSIONAL RECORD, Vol. 126 (1980):
  Sept. 30, considered and passed House.
  Dec. 8, considered and passed Senate, amended.
  Dec. 10, House concurred in Senate amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 16, No. 52:
  Dec. 23, Presidential statement.

Public Law 96-583
96th Congress

An Act

To amend and extend title VII of the Comprehensive Employment and Training Act.

Dec. 23, 1980
[H.R. 6796]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 112(a)(7) of the Comprehensive Employment and Training Act is amended by adding at the end thereof the following new subparagraph:

Comprehensive Employment and Training Act, amendment.
29 USC 822.

"(C) There are authorized to be appropriated such sums as may be necessary for the fiscal years 1981 and 1982 to carry out title VII.".

Appropriation authorization.

SEC. 2. Title VII of the Comprehensive Employment and Training Act is amended—

(1) by inserting ", in cooperation with other Federal programs that generate employment," immediately after "under this Act, and" in the first sentence of section 701;

29 USC 981.

(2) by striking out subsection (b) of section 702 and inserting in lieu thereof the following:

29 USC 982.

"(b)(1) Eighty-five per centum of the funds made available for carrying out this title shall be allocated by the Secretary on an equitable basis among such prime sponsors, taking into account the factors set forth in section 202(a).

29 USC 842.

"(2) Ten per centum of the funds made available for carrying out this title shall be used by the Secretary to provide incentive bonuses to prime sponsors who engage in efforts to promote coordination with economic development activities supported by Federal, State, or local funds. Funds used for such coordinated activities shall not be taken into account in the computation of cost per participant or cost per placement for purposes of program evaluation.

"(3) The remainder of the funds made available for carrying out this title shall be used by the Secretary to provide financial assistance to prime sponsors who jointly establish a single private industry council and to Native American entities described in section 302(c)(1)(A) and (B) for carrying out the purposes of this title.";

29 USC 872.

(3) by inserting ", local economic development councils established under the Public Works and Economic Development Act of 1965," immediately after "community-based organizations" in section 703(b)(5);

29 USC 983.

(4) by inserting "local economic development councils (such as those established under the Public Works and Economic Development Act of 1965)," immediately after "community-based organizations," in section 704(a)(1);

29 USC 984.

(5) by inserting "(particularly persons with expertise in on-site, industry specific vocational education)" immediately after "educational agencies and institutions" in the second sentence of section 704(a)(1);

(6) by striking "and" at the end of paragraph (14) of section 705(a);

29 USC 985.

(7) by striking the period at the end of paragraph (15) of section 705(a) and inserting in lieu thereof "; and";

(8) by adding after such paragraph the following new paragraph:

"(16) developing on-site, industry specific training programs supportive of industrial and economic development in cooperation with State vocational education boards: *Provided*, That, where feasible, funds made available under this Act for such programs are supplemented by Federal, State, or local vocational education funds or by non-governmental funds made specifically available for such programs, or both."; and

29 USC 985.

(9) by adding at the end of section 705 the following new subsection:

"(c) Activities under this section may include upgrading and retraining in accordance with the provisions of part C of title II. Not more than 15 per centum of the funds available for this title may be used for programs under this subsection. No employer may participate in such a program unless the employer agrees that the employer will hire one economically disadvantaged person for every employee participating in the upgrading or retraining program. The Secretary may waive the provisions of the preceding sentence in whole or in part where the Secretary finds that it would be impracticable for the employer to comply with such provisions or that a waiver would facilitate participation by the employer in an experimental or demonstration project approved or being carried out by the Secretary.".

29 USC 852.

Waiver.

SEC. 3. The Comprehensive Employment and Training Act is further amended as follows:

29 USC 824.

(a) Section 122(i)(2) of such Act is amended by deleting "$7,200" and substituting in lieu thereof "$8,000".

29 USC 842, 855, 964.

(b) Section 202(f)(2)(B), section 233(d)(1), and section 604(b)(1) of such Act are each amended by deleting "1980" and substituting in lieu thereof "1982".

29 USC 879, 930, 935.

(c) Wherever the terms "Secretary of Health, Education, and Welfare" or "Department of Health, Education, and Welfare" appear in sections 311(b), 457(c), and 462(b) of such Act, they are amended to read "Secretary of Education" or "Department of Education", respectively.

29 USC 875.

(d) Section 305 of such Act is amended by deleting the words "and the Secretary of Health, Education, and Welfare" and the words "Labor and Health, Education, and Welfare" where they occur, and substituting in lieu thereof, respectively, the words "the Secretary of Health and Human Services and the Secretary of Education" and "Labor, Health and Human Services, and Education".

Approved December 23, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-985 (Comm. on Education and Labor).
CONGRESSIONAL RECORD, Vol. 126 (1980):
Sept. 15, considered and passed House.
Dec. 8, considered and passed Senate, amended.
Dec. 9, House concurred in Senate amendments.

Public Law 96-584
96th Congress

An Act

To amend title 10, United States Code, to provide greater flexibility for the Armed Forces in ordering Reserves to active duty, and for other purposes.

Dec. 23, 1980
[H.R. 7682]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (e) of section 672 of title 10, United States Code, is amended to read as follows:

Armed Forces Reserves, active duty, amendment.

"(e) The period of time allowed between the date when a Reserve ordered to active duty (other than for training) is alerted for that duty and the date when the Reserve is required to enter upon that duty shall be determined by the Secretary concerned based upon military requirements at that time.".

SEC. 2. Section 673b(c) of title 10, United States Code, is amended by striking out "50,000" and inserting in lieu thereof "100,000".

SEC. 3. (a) Section 6(d)(1) of the Military Selective Service Act (50 U.S.C. App. 456(d)(1)) is amended by striking out "less than three months or" in the fifth sentence.

(b) The amendment made by subsection (a) shall apply only to persons ordered to active duty for training after the effective date of this Act.

50 USC app. 456 note.

SEC. 4. Section 517 of title 10, United States Code, relating to the authorized daily average in enlisted members that may be on active duty in the grades of E-8 and E-9, is amended—

(1) by inserting "(a)" before "Except";

(2) by adding the following new sentence: "In computing the limitations prescribed in the preceding sentence, there shall be excluded enlisted members of an armed force on active duty (other than for training) in connection with organizing, administering, recruiting, instructing, or training the reserve component of an armed force."; and

(3) by adding the following new subsection:

"(b) The number of enlisted members in pay grades E-8 and E-9 who may be on active duty as of the end of any fiscal year in connection with organizing, administering, recruiting, instructing, or training the reserve components of the armed forces may not exceed the number prescribed for the grade and the armed force in the following table:

"Grade	Army	Navy	Air Force
E-9	209	140	71
E-8	823	302	302".

Approved December 23, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1215 (Comm. on Armed Services).
SENATE REPORT No. 96-1052 (Comm. on Armed Services).
CONGRESSIONAL RECORD, Vol. 126 (1980):
- Aug. 25, considered and passed House.
- Dec. 4, considered and passed Senate, amended.
- Dec. 5, House concurred in Senate amendments.

Public Law 96-585
96th Congress

An Act

To designate certain lands of the Fire Island National Seashore as the "Otis Pike Fire Island High Dune Wilderness", and for other purposes.

Dec. 23, 1980
[H.R. 7814]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 3(c) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132(c)), certain lands in the Fire Island National Seashore, New York, comprising approximately one thousand three hundred and sixty-three acres, and potential wilderness additions comprising approximately eighteen acres, as depicted on the map entitled "Wilderness Plan—Fire Island National Seashore", dated December 1980, are hereby designated as the "Fire Island Wilderness". The southern boundary of the wilderness shall be the toe of the primary dunes.

Otis Pike Fire Island High Dune Wilderness, N.Y. Designation. 16 USC 1132 note.

(b) As soon as practicable after this Act takes effect, a map and a description of the boundaries of the wilderness area shall be filed with the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, and such map and description shall have the same force and effect as if included in this Act: *Provided,* That correction of clerical and typographical errors in such map and description may be made. The map and description of boundaries shall be on file and available for public inspection in the offices of the Superintendent of the Fire Island National Seashore and the Director of the National Park Service.

Boundary description and map, filing with congressional committees.

(c) Lands which represent potential wilderness additions, upon publication in the Federal Register of a notice by the Secretary of the Interior that all uses prohibited thereon by the Wilderness Act have ceased, shall thereby be designated wilderness. Pending such designation, the Secretary shall administer such lands in such manner as to preserve, insofar as is possible, their wilderness or potential wilderness character.

Potential wilderness additions, administration.

(d) Wilderness designation shall not preclude the repair of breaches that occur in the wilderness area, in order to prevent loss of life, flooding, and other severe economic and physical damage to the Great South Bay and surrounding areas.

(e) Section 10 of the Act of September 11, 1964 (78 Stat. 928) is amended by changing the period to a comma, and by adding the following: "and, after the date of enactment of this provision, not more than $500,000 for development.".

Appropriation authorization. 16 USC 459e-9.

(f) Authorizations of moneys to be appropriated under this Act shall be effective on October 1, 1981. Notwithstanding any other provision of this Act, authority to enter into contracts, to incur obligations, or to make payments under this Act shall be effective only to the extent, and in such amounts as are provided in advance in appropriation Acts.

Approved December 23, 1980.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 126 (1980):
Dec. 10, considered and passed House.
Dec. 13, considered and passed Senate.

Public Law 96-586
96th Congress

An Act

To provide for the orderly disposal of certain Federal lands in Nevada and for the acquisition of certain other lands in the Lake Tahoe Basin, and for other purposes.

Dec. 23, 1980
[H.R. 7306]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Nevada and Lake Tahoe Basin, land disposal and acquisition.

SECTION 1. (a) The Congress finds that—

(1) the Bureau of Land Management has extensive land ownership in small parcels interspersed with or adjacent to private lands in urban areas of Clark County, Nevada;

(2) for orderly development of the communities in that county certain of those lands should be sold by the Federal Government;

(3) the Lake Tahoe Basin is a closed basin two-thirds of which is located within the State of California and one-third within the State of Nevada;

(4) the environmental quality of the Lake Tahoe Basin is seriously jeopardized by overdevelopment of sensitive land areas;

(5) a majority of the acreage developed within the Lake Tahoe Basin and the potential for further development of sensitive land areas is within California;

(6) further tourist oriented development within the basin encourages significant permanent development of other kinds as well as tourist visitation; and

(7) the unique character of the Lake Tahoe Basin is of national significance deserving of further protection and management.

(b) The purpose of this Act is to provide for the orderly disposal of Federal lands in Clark County, Nevada, and to provide for acquisition of environmentally sensitive lands in the Lake Tahoe Basin.

Clark County, Nev.; land disposal.

SEC. 2. (a) The Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") is authorized and directed to dispose of lands under the jurisdiction of the Bureau of Land Management in Clark County, Nevada, as shown on the map numbered 7306A, dated May 1980, and entitled "Las Vegas Valley, Nevada, Land Sales Map", which map shall be on file and available for public inspection in the offices of the Bureau of Land Management. Such disposal shall be in accordance with regulations developed jointly by the Secretary and the affected local governmental jurisdictions and shall be consistent with the provisions of the Federal Land Policy and Management Act and other applicable law except to the extent necessary to expeditiously carry out the provisions of this Act.

43 USC 1701 note.

Annual acreage limit.

(b) No more than seven hundred acres per calendar year may be offered for sale by the Bureau of Land Management in Clark County.

Land selection.

(c) Notwithstanding section 1(b), the Secretary and the affected local governmental jurisdictions shall jointly select lands to be offered for sale under this Act. The Secretary may not offer any land for sale if in his judgment such land has not been appropriately classified in accordance with adjacent land use by the local governmental jurisdiction. In the event agreement cannot be reached on joint selection, no lands shall be offered for sale.

Revenues.

(d)(1) Except as otherwise provided in this subsection, the revenues from the sale of public lands under this subsection within Clark County, Nevada, shall, notwithstanding any other provision of law, be deposited annually, in the general fund of the Treasury of the United States: *Provided*, That from these revenues, an amount equal to that actually appropriated from the Land and Water Conservation Fund pursuant to section 3 of this Act, shall be deposited in the Fund prior to fiscal year 1995.

(2) Five per centum of the annual revenues referred to in paragraph (1) shall be returned to the State of Nevada annually for use in the general education program of the State.

(3) Ten per centum of the net annual revenues referred to in paragraph (1) shall be returned annually directly to the county or municipality within the boundaries of which such land sale occurred to be used for the purpose of acquisition and development of recreational lands and facilities. The total annual revenue returned under this paragraph to each such county or municipality shall be an amount proportional to the amount of revenues generated under this section from sales under this section of Federal land located within each such county or municipality.

Report to congressional committees.

(e) The revenues deposited in the general fund of the Treasury of the United States under subsection (d) are deemed to be in the nature of repayment for those authorizations set forth in section 3 of this Act. The Secretary, in cooperation with the Secretary of Agriculture, shall submit an accounting report biannually of income and expenditure provided for by this Act to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives.

(f) The Secretary shall, subject to the provisions of subsection (c), make the first land sale offering of Clark County, Nevada, land no later than one year after the date of enactment of this Act.

Payments to localities.

(g)(1) The Secretary of Agriculture is authorized and directed to make annual payments to the governing bodies of each of the political subdivisions any portion of which is located in the area depicted on the final map filed pursuant to section 3(a). Such payments may be used only for water pollution control, soil erosion mitigation, or acquisition by local government authorities of lands and interests in lands within the Lake Tahoe Basin, or for any combination of the foregoing purposes.

(2) The total amounts appropriated for payments pursuant to this subsection shall be allocated proportionately among such political subdivisions in any fiscal year on the basis of the relative amounts of acreage acquired under this Act in each such political subdivision.

(3) In addition to the amounts authorized to be appropriated to carry out the provisions of section 3 of this Act, there is authorized to be appropriated for making payments under this subsection a sum equal to 15 per centum of the amount appropriated under such section 3.

Water pollution control and land management.

(h) In addition to the amounts authorized to be appropriated to carry out the provisions of section 3 of this Act, there is authorized to be appropriated a sum equal to 5 per centum of the amount appropriated under such section 3 to be used by the Secretary of Agriculture only for purposes of preventing, controlling, or mitigating water pollution associated with National Forest System lands in the Lake Tahoe Basin and for managing acquired lands within the Lake Tahoe Basin. Such sum shall be in addition to any other amounts available to the Secretary of Agriculture for expenditure in the Lake Tahoe Basin.

31 USC 1603.

(i) The provisions of section 3 of the Act of October 20, 1976 (31 U.S.C. 1601) and the provisions of subsections (a) through (c) of section 106 of the Act of March 27, 1978 (16 U.S.C. 79o) shall apply to lands acquired by the Secretary of Agriculture under this Act in the same manner and to the same extent as such provisions apply to lands owned by the United States and referred to in such section 106. For purposes of applying such provisions, any reference in such provisions to the lands referred to in such section 106 or to the National Park System shall be treated as including reference to the lands acquired by the Secretary of Agriculture under this Act.

SEC. 3. (a)(1) The Secretary of Agriculture is authorized to acquire by donation, purchase with donated or appropriated funds, or otherwise, lands and interests in lands which were unimproved as of the date of enactment of this Act (except as provided in subsection (c)), and which are environmentally sensitive lands within the meaning of paragraph (2). The funds used for acquisition of such lands and interests in lands shall be the funds authorized to be appropriated pursuant to this Act, and no such funds may be expended until the final map has been filed in accordance with paragraph (2)(B). Such funds shall be in addition to any other amounts available to the Secretary of Agriculture for expenditure in the Lake Tahoe Basin.

Map, preparation; notice and hearing.

(2)(A) The Secretary of Agriculture, in consultation with the governments of Nevada and California, the Tahoe Regional Planning Agency and with local governments, including the appropriate planning and regulatory agencies, after notice and opportunity for public hearing, shall prepare a map of the lands to be acquired pursuant to this subsection.

Submittal to congressional committees.

(B) The Secretary of Agriculture shall, within six months of the date of enactment of this Act, and after notice and opportunity for public hearing, file with the United States Senate Committee on Energy and Natural Resources and the United States House of Representatives Committee on Interior and Insular Affairs a map which in the Secretary of Agriculture's judgment best achieves the objectives set forth in this Act and includes the environmentally sensitive land defined in subparagraph (C) of this paragraph.

"Environmentally sensitive land."

(C) For purposes of this paragraph, the term "environmentally sensitive land" means—

(i) stream environment zones which are—

(I) areas generally located within the one-hundred-year flood plain;

(II) areas containing soils which are associated with high runoff or high water tables;

(III) areas of riparian vegetation types; or

(IV) minimum protective buffer areas for the areas referred to in subclauses (I) through (III);

(ii) high hazard lands which are characterized by steep slopes and a fragile environmental balance or with a high erosion potential;

(iii) unimproved lands previously modified by man which are causing unacceptably high rates of sedimentation; and

(iv) shore zone areas which are sensitive to cliff erosion, beach erosion, and near-shore instability.

(D) The map filed pursuant to subparagraph (B) shall be prepared at such scale as to clearly identify the affected land tracts by ownership and shall designate such tracts for acquisition or non-acquisition.

(3) Before initiating acquisition proceedings for any lands under this subsection, the Secretary shall consult annually with State and local government agencies, the Tahoe Regional Planning Agency as to the necessity for such acquisition, the potential impacts on State and local government, and other appropriate aspects of the acquisition. The Secretary of Agriculture shall notify the public of the approved land acquisition program on an annual basis.

Public notice.

Donation.

(4) Lands within the boundaries of the area subject to acquisition under this section which are owned by any State or local government may be acquired only by donation.

Administration.

(b) Lands acquired under this section shall be administered as a part of the United States National Forest System; except that the Secretary of Agriculture, acting through the Chief of the Forest Service, may, in the case of lands which are unsuitable for Forest Service administration, transfer such lands or interests therein to an appropriate unit of State or local government with appropriate deed restrictions to protect the environmental quality and public recreational use of the lands concerned.

Improved lands, acquisition.

(c)(1) Except as provided in paragraph (2), with respect to that portion of the Lake Tahoe Basin, as defined as of the date of the enactment of this Act by the Secretary of Agriculture, which lies within the boundary of the State of California, as in effect on the date of the establishment of the Tahoe National Forest (October 3, 1905), the Secretary of Agriculture may acquire improved lands or interests in improved lands with the consent of the owner thereof or upon a finding by the Secretary of Agriculture that such lands are being used, or that an imminent threat exists that they will be used, in a manner detrimental to the preservation of the existing water quality of the basin.

Single family dwellings, acquisition restrictions.

(2) No single family dwelling which is improved land (as defined in this subsection) may be acquired under the provisions of this subsection without the consent of the owner thereof unless the Secretary of Agriculture with the concurrence of the Tahoe Regional Planning Agency finds that (A) a change in the use of such dwelling has occurred subsequent to the date of enactment of this Act or that such a change in use is threatened, and (B) in the case of a single family dwelling having a change or threatened change in use but maintained as a single family dwelling, such change or threatened change will result in a detriment to the preservation of the existing water quality of the basin.

(3) At such time as the Tahoe Regional Planning Agency has adopted final requirements for the protection of the water quality of the basin, the Secretary of Agriculture shall make the findings provided for in sections 3(c)(1) and 3(c)(2) herein in a manner consistent with such requirements.

(4) For purposes of this Act, the term—

"Improved land."

(A) "improved land" means any land on which there is located a single family dwelling or other residential or commercial building, the construction of which commenced before the date of enactment of this Act, together with so much of the land on which such building is located as is reasonably necessary to the use and enjoyment of such building; and

"Unimproved land."

(B) "unimproved land" means any land other than improved land.

Right of use and occupancy.

(5)(A) The owner or owners of any improved land acquired by the Secretary of Agriculture under this Act may retain a right of use and occupancy of such land for—

(i) a definite term of not more than twenty-five years from the date of the enactment of this Act, or,

(ii) a term ending at the death of the owner or owners of such land.

The owner shall elect the term to be reserved, except that if the owner is a corporation, the term shall not exceed twenty-five years from the date of the enactment of this Act. Unless the improved land is wholly or partially donated, the Secretary of Agriculture shall pay to the owner the fair market value of the improved land on the date of its acquisition, less the fair market value on that date of the right retained by the owner. For purposes of applying the preceding provisions of this subparagraph, ownership shall be determined as of the date of acquisition, except that in applying clause (ii) ownership shall be determined as of May 1, 1980.

(B) A right retained by the owner pursuant to this paragraph shall be subject to termination by the Secretary of Agriculture upon his determination that it is being exercised in a manner inconsistent with the purposes of this Act, and it shall terminate by operation of law upon notification by the Secretary of Agriculture to the holder of the right of such determination and tendering to him the amount equal to the fair market value of that portion which remains unexpired.

Acquisition without owner's consent.

(d) Lands and interests therein may be acquired by the Secretary of Agriculture with concurrence of the Tahoe Regional Planning Agency in accordance with this section without the consent of the owner thereof only where, in his judgment, all reasonable efforts to acquire such lands or interests therein by negotiation have failed.

Fair market value.

(e) The fair market value of any land or interest in land to be acquired by the Secretary of Agriculture under this section shall be determined by an independent appraisal made, where practicable, on the basis of comparable sales at the time of such acquisition. For purposes of the appraisal of any property to be acquired under this section, in determining the comparability of other property sales, the independent appraisal shall take into account the utilities, services, and facilities associated with the property concerned. Any change after the date of the enactment of this Act in the value of any property to be acquired under this section shall not be taken into account for purposes of determining the fair market value of such property to the extent that such change is attributable to the enactment of this Act.

Purchase price, installments.

(f) In acquiring any property under this section, the Secretary of Agriculture and the owner of the property to be acquired may agree that the purchase price will be paid in periodic installments over a period that does not exceed ten years, with interest on the unpaid principal balance thereof at a rate which is not in excess of the current average market yield on outstanding marketable obligations of the United States with remaining period of maturity comparable to average maturities on the installments.

Appropriation authorization.

(g) There is hereby authorized to be appropriated, for the purposes of this Act, from the Land and Water Conservation Fund, $10,000,000 for the fiscal year 1982, and $20,000,000 for the fiscal year 1983. In addition there is hereby authorized to be appropriated for these and subsequent fiscal years an amount equal to the amount of revenue obtained by the Federal Government from the sale of federally owned lands in Clark County, Nevada, after October 1, 1978, reduced for any fiscal year by the amount appropriated, pursuant to this sentence, in the prior fiscal years. Funds appropriated pursuant to this section may be expended without regard to any limitations contained in the

16 USC 460*l*-9.

provisions of section 7(a)(1) of the Land and Water Conservation Fund Act of 1965. Amounts authorized to be appropriated under this subsection shall remain available until expended. Authorizations of moneys to be appropriated under this Act shall be effective October 1, 1981. Authority to enter into contracts and agreements and to make payments under this Act shall be effective only to the extent or in such amounts as are provided in advance in appropriation Acts.

Mar-A-Lago National Historic Site. Repeal.
16 USC 467a and note, 467a-1.
16 USC 461 note, 467a note.

SEC. 4. (a)(1) Effective upon the conveyance or transfer authorized in subsection b, the Act of October 21, 1972, entitled "An Act to provide for the administration of the Mar-A-Lago National Historic Site, in Palm Beach, Florida" is repealed.

(2) The order of designation of the Mar-A-Lago National Historic Site, dated January 16, 1969, is repealed and the site described therein is hereby designated as the Mar-A-Lago National Historic Landmark.

Marjorie Merriweather Post Foundation, property transfer.
16 USC 467a note.

(b) The Secretary of the Interior shall, within one hundred and twenty days of the date of enactment of this Act, take such measures, consistent with the terms and conditions of the deed of conveyance from Marjorie M. Post to the United States of America, dated December 18, 1972, as may be necessary to transfer the property described in the order of designation of the Mar-A-Lago National Historic Site to the Majorie Merriweather Post Foundation of the District of Columbia (a charitable foundation organized under the District of Columbia Nonprofit Corporation Act).

D.C. Code 29-1001.
Funds, adjustments.

(c) The Secretary is authorized upon conveyance, to make appropriate adjustments in the funds available for the administration and management of the property, including but not limited to, return of unobligated donated funds to the trustees of the Marjorie Merriweather Post Foundation of the District of Columbia, and reprogram existing appropriations to related functions and activities of the National Park Service.

Approved December 23, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1023 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 96-1026 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 126 (1980):
- Sept. 8, considered and passed House.
- Dec. 4, considered and passed Senate, amended.
- Dec. 5, House concurred in Senate amendments.

Public Law 96-587
96th Congress

An Act

Authorizing appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes.

Dec. 23, 1980
[S. 1142]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, **That subsection (e) of section 6 of the John F. Kennedy Center Act (Public Law 85-874, as amended; 20 U.S.C. 76l) is amended by adding at the end thereof the following: "There is authorized to be appropriated to carry out this subsection not to exceed $4,287,000 for the fiscal year ending September 30, 1980, and not to exceed $4,400,000 for the fiscal year ending September 30, 1981.".**

John F. Kennedy Center for the Performing Arts.
Appropriation authorization.
20 USC 76*l*.

SEC. 2. Ralph E. Becker is hereby designated an honorary trustee of the John F. Kennedy Center for the Performing Arts in recognition of his distinguished service as a founding trustee and general counsel for the Center from 1958 to 1976.

Approved December 23, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-179 (Comm. on Public Works and Transportation) accompanying H.R. 3051 and No. 96-1530 (Comm. of Conference).
SENATE REPORT No. 96-150 (Comm. on Environment and Public Works).
CONGRESSIONAL RECORD:
Vol. 125 (1979): Sept. 6, considered and passed Senate.
Vol. 126 (1980): Jan. 24, H.R. 3051 considered and passed House; proceedings vacated and S. 1142, amended, passed in lieu.
Aug. 22, Senate concurred in House amendment with an amendment.
Dec. 9, Senate agreed to conference report.
Dec. 10, House agreed to conference report.

Public Law 96-588
96th Congress

An Act

Dec. 24, 1980
[S. 3212]

To designate the "Thomas J. McIntyre Federal Building".

Certain Federal facilities. Designations. Thomas J. McIntyre Federal Building.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the building at 80 Daniel Street, Portsmouth, New Hampshire (commonly known as the Federal Building), shall hereafter be known, called, and designated as the "Thomas J. McIntyre Federal Building". Any reference in any law, map, regulation, document, record, or other paper of the United States to such building shall be deemed to be a reference to the Thomas J. McIntyre Federal Building.

Colmery-O'Neil Veterans' Administration Medical Center.

SEC. 2. (a) The Veterans' Administration Medical Center in Topeka, Kansas, is designated as the "Colmery-O'Neil Veterans' Administration Medical Center", in honor of the late Harry W. Colmery and Ralph T. O'Neil.

(b) Any reference to such center in any law, regulation, map, document, record, or other paper of the United States shall after such date be deemed a reference to the Colmery-O'Neil Veterans' Administration Medical Center.

(c) The Committee on Rules and Administration shall place appropriate markers or inscriptions at suitable locations within the clinical center referred to in subsection (a) of this section to commemorate and designate such building as provided in this section. Expenses incurred under this section shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Louis C. Wyman Forest Experiment Station.

SEC. 3. (a) The facility known as the Northeastern Forest Experiment Station in Durham, New Hampshire, shall hereafter be known, called, and designated as the "Louis C. Wyman Forest Experiment Station". Any reference in any law, map, regulation, document, record, or other paper of the United States to such experiment station shall be deemed to be a reference to the "Louis C. Wyman Forest Experiment Station".

Effective date.

(b) This section shall become effective January 3, 1981.

Approved December 24, 1980.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 126 (1980):
Dec. 5, H.R. 8377, considered and passed House.
Dec. 13, S. 3212 considered and passed Senate.
Dec. 16, considered and passed House, amended; Senate agreed to House amendment.

Public Law 96-589
96th Congress

An Act

To amend the Internal Revenue Code of 1954 to provide for the tax treatment of bankruptcy, insolvency, and similar proceedings, and for other purposes.

Dec. 24, 1980
[H.R. 5043]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Bankruptcy Tax Act of 1980.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; AMENDMENT OF 1954 CODE.

(a) Short Title.—This Act may be cited as the "Bankruptcy Tax Act of 1980".

26 USC 1 note.

(b) Table of Contents.—

Sec. 1. Short title; table of contents; amendment of 1954 Code.
Sec. 2. Tax treatment of discharge of indebtedness.
Sec. 3. Rules relating to title 11 cases for individuals.
Sec. 4. Corporate reorganization provisions.
Sec. 5. Miscellaneous corporate amendments.
Sec. 6. Changes in tax procedures.
Sec. 7. Effective dates.

(c) Amendment of 1954 Code.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

26 USC 1 *et seq.*

SEC. 2. TAX TREATMENT OF DISCHARGE OF INDEBTEDNESS.

(a) Amendment of Section 108.—Section 108 (relating to discharge of indebtedness) is amended to read as follows:

"SEC. 108. INCOME FROM DISCHARGE OF INDEBTEDNESS.

26 USC 108.

"(a) Exclusion From Gross Income.—

"(1) In general.—Gross income does not include any amount which (but for this subsection) would be includible in gross income by reason of the discharge (in whole or in part) of indebtedness of the taxpayer if—

"(A) the discharge occurs in a title 11 case,

11 USC 101 *et seq.*

"(B) the discharge occurs when the taxpayer is insolvent, or

"(C) the indebtedness discharged is qualified business indebtedness.

"(2) Coordination of exclusions.—

"(A) Title 11 exclusion takes precedence.—Subparagraphs (B) and (C) of paragraph (1) shall not apply to a discharge which occurs in a title 11 case.

"(B) Insolvency exclusion takes precedence over qualified business exclusion.—Subparagraph (C) of paragraph (1) shall not apply to a discharge to the extent that the taxpayer is insolvent.

"(3) Insolvency exclusion limited to amount of insolvency.—In the case of a discharge to which paragraph (1)(B) applies, the amount excluded under paragraph (1)(B) shall not exceed the amount by which the taxpayer is insolvent.

11 USC 101 *et seq.*

"(b) REDUCTION OF TAX ATTRIBUTES IN TITLE 11 CASE OR INSOLVENCY.—

"(1) IN GENERAL.—The amount excluded from gross income under subparagraph (A) or (B) of subsection (a)(1) shall be applied to reduce the tax attributes of the taxpayer as provided in paragraph (2).

"(2) TAX ATTRIBUTES AFFECTED; ORDER OF REDUCTION.—Except as provided in paragraph (5), the reduction referred to in paragraph (1) shall be made in the following tax attributes in the following order:

"(A) NOL.—Any net operating loss for the taxable year of the discharge, and any net operating loss carryover to such taxable year.

"(B) CERTAIN CREDIT CARRYOVERS.—Any carryover to or from the taxable year of the discharge of an amount for purposes of determining the amount of a credit allowable under—

"(i) section 38 (relating to investment in certain depreciable property),

"(ii) section 40 (relating to expenses of work incentive programs),

"(iii) section 44B (relating to credit for employment of certain new employees), or

"(iv) section 44E (relating to alcohol used as a fuel).

For purposes of clause (i), there shall not be taken into account any portion of a carryover which is attributable to the employee plan credit (within the meaning of section 48(o)(3)).

"(C) CAPITAL LOSS CARRYOVERS.—Any net capital loss for the taxable year of the discharge, and any capital loss carryover to such taxable year under section 1212.

"(D) BASIS REDUCTION.—

"(i) IN GENERAL.—The basis of the property of the taxpayer.

"(ii) CROSS REFERENCE.—

"For provisions for making the reduction described in clause (i), see section 1017.

"(E) FOREIGN TAX CREDIT CARRYOVERS.—Any carryover to or from the taxable year of the discharge for purposes of determining the amount of the credit allowable under section 33.

"(3) AMOUNT OF REDUCTION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the reductions described in paragraph (2) shall be one dollar for each dollar excluded by subsection (a).

"(B) CREDIT CARRYOVER REDUCTION.—The reductions described in subparagraphs (B) and (E) of paragraph (2) shall be 50 cents for each dollar excluded by subsection (a).

"(4) ORDERING RULES.—

"(A) REDUCTIONS MADE AFTER DETERMINATION OF TAX FOR YEAR.—The reductions described in paragraph (2) shall be made after the determination of the tax imposed by this chapter for the taxable year of the discharge.

"(B) REDUCTIONS UNDER SUBPARAGRAPH (A) OR (C) OF PARAGRAPH (2).—The reductions described in subparagraph (A) or (C) of paragraph (2) (as the case may be) shall be made first in the loss for the taxable year of the discharge and then in the carryovers to such taxable year in the order of the taxable years from which each such carryover arose.

"(C) REDUCTIONS UNDER SUBPARAGRAPHS (B) AND (E) OF PARAGRAPH (2).—The reductions described in subparagraphs (B) and (E) of paragraph (2) shall be made in the order in which carryovers are taken into account under this chapter for the taxable year of the discharge.

"(5) ELECTION TO APPLY REDUCTION FIRST AGAINST DEPRECIABLE PROPERTY.—

"(A) IN GENERAL.—The taxpayer may elect to apply any portion of the reduction referred to in paragraph (1) to the reduction under section 1017 of the basis of the depreciable property of the taxpayer. *Post*, p. 3394.

"(B) LIMITATION.—The amount to which an election under subparagraph (A) applies shall not exceed the aggregate adjusted bases of the depreciable property held by the taxpayer as of the beginning of the taxable year following the taxable year in which the discharge occurs.

"(C) OTHER TAX ATTRIBUTES NOT REDUCED.—Paragraph (2) shall not apply to any amount to which an election under this paragraph applies.

"(c) TAX TREATMENT OF DISCHARGE OF QUALIFIED BUSINESS INDEBTEDNESS.—In the case of a discharge of qualified business indebtedness—

"(1) BASIS REDUCTION.—

"(A) IN GENERAL.—The amount excluded from gross income under subparagraph (C) of subsection (a)(1) shall be applied to reduce the basis of the depreciable property of the taxpayer.

"(B) CROSS REFERENCE.—

"For provisions for making the reduction described in subparagraph (A), see section 1017.

"(2) LIMITATION.—The amount excluded under subparagraph (C) of subsection (a)(1) shall not exceed the aggregate adjusted bases of the depreciable property held by the taxpayer as of the beginning of the taxable year following the taxable year in which the discharge occurs (determined after any reductions under subsection (b)).

"(d) MEANING OF TERMS; SPECIAL RULES RELATING TO SUBSECTIONS (a), (b), AND (c).—

"(1) INDEBTEDNESS OF TAXPAYER.—For purposes of this section, the term 'indebtedness of the taxpayer' means any indebtedness—

"(A) for which the taxpayer is liable, or

"(B) subject to which the taxpayer holds property.

"(2) TITLE 11 CASE.—For purposes of this section, the term 'title 11 case' means a case under title 11 of the United States Code (relating to bankruptcy), but only if the taxpayer is under the jurisdiction of the court in such case and the discharge of indebtedness is granted by the court or is pursuant to a plan approved by the court. 11 USC 101 *et seq.*

"(3) INSOLVENT.—For purposes of this section, the term 'insolvent' means the excess of liabilities over the fair market value of assets. With respect to any discharge, whether or not the taxpayer is insolvent, and the amount by which the taxpayer is insolvent, shall be determined on the basis of the taxpayer's assets and liabilities immediately before the discharge.

"(4) QUALIFIED BUSINESS INDEBTEDNESS.—Indebtedness of the taxpayer shall be treated as qualified business indebtedness if (and only if)—

"(A) the indebtedness was incurred or assumed—

"(i) by a corporation, or

"(ii) by an individual in connection with property used in his trade or business, and

"(B) such taxpayer makes an election under this paragraph with respect to such indebtedness.

"(5) DEPRECIABLE PROPERTY.—The term 'depreciable property' has the same meaning as when used in section 1017.

Post, p. 3394.

"(6) SUBSECTIONS (a), (b), AND (c) TO BE APPLIED AT PARTNER LEVEL.—In the case of a partnership, subsections (a), (b), and (c) shall be applied at the partner level.

"(7) REDUCTIONS OF TAX ATTRIBUTES IN TITLE 11 CASES OF INDIVIDUALS TO BE MADE BY ESTATE.—In any case under chapter 7 or 11 of title 11 of the United States Code to which section 1398 applies, for purposes of paragraphs (1) and (5) of subsection (b) the estate (and not the individual) shall be treated as the taxpayer. The preceding sentence shall not apply for purposes of applying section 1017 to property transferred by the estate to the individual.

11 USC 701 *et seq.*, 1101 *et seq.*

Post, p. 3397.

Post, p. 3394.

"(8) TIME FOR MAKING ELECTION, ETC.—

"(A) TIME.—An election under paragraph (4) of this subsection or under paragraph (5) of subsection (b) shall be made on the taxpayer's return for the taxable year in which the discharge occurs or at such other time as may be permitted in regulations prescribed by the Secretary.

"(B) REVOCATION ONLY WITH CONSENT.—An election referred to in subparagraph (A), once made, may be revoked only with the consent of the Secretary.

"(C) MANNER.—An election referred to in subparagraph (A) shall be made in such manner as the Secretary may by regulations prescribe.

"(9) CROSS REFERENCE.—

"For provision that no reduction is to be made in the basis of exempt property of an individual debtor, see section 1017(c)(1).

"(e) GENERAL RULES FOR DISCHARGE OF INDEBTEDNESS (INCLUDING DISCHARGES NOT IN TITLE 11 CASES OR INSOLVENCY).—For purposes of this title—

11 USC 101 *et seq.*

"(1) NO OTHER INSOLVENCY EXCEPTION.—Except as otherwise provided in this section, there shall be no insolvency exception from the general rule that gross income includes income from the discharge of indebtedness.

"(2) INCOME NOT REALIZED TO EXTENT OF LOST DEDUCTIONS.—No income shall be realized from the discharge of indebtedness to the extent that payment of the liability would have given rise to a deduction.

"(3) ADJUSTMENTS FOR UNAMORTIZED PREMIUM AND DISCOUNT.—The amount taken into account with respect to any discharge shall be properly adjusted for unamortized premium and unamortized discount with respect to the indebtedness discharged.

"(4) ACQUISITION OF INDEBTEDNESS BY PERSON RELATED TO DEBTOR.—

"(A) TREATED AS ACQUISITION BY DEBTOR.—For purposes of determining income of the debtor from discharge of indebtedness, to the extent provided in regulations prescribed by the Secretary, the acquisition of outstanding indebtedness by a person bearing a relationship to the debtor specified in section 267(b) or 707(b)(1) from a person who does not bear such a relationship to the debtor shall be treated as the acquisition of such indebtedness by the debtor. Such regulations shall provide for such adjustments in the treatment of any subsequent transactions involving the indebtedness as may be appropriate by reason of the application of the preceding sentence.

26 USC 267, 707.

"(B) MEMBERS OF FAMILY.—For purposes of this paragraph, sections 267(b) and 707(b)(1) shall be applied as if section 267(c)(4) provided that the family of an individual consists of the individual's spouse, the individual's children, grandchildren, and parents, and any spouse of the individual's children or grandchildren.

"(C) ENTITIES UNDER COMMON CONTROL TREATED AS RELATED.—For purposes of this paragraph, two entities which are treated as a single employer under subsection (b) or (c) of section 414 shall be treated as bearing a relationship to each other which is described in section 267(b).

"(5) PURCHASE-MONEY DEBT REDUCTION FOR SOLVENT DEBTOR TREATED AS PRICE REDUCTION.—If—

"(A) the debt of a purchaser of property to the seller of such property which arose out of the purchase of such property is reduced,

"(B) such reduction does not occur—

"(i) in a title 11 case, or

"(ii) when the purchaser is insolvent, and

11 USC 101 *et seq.*

"(C) but for this paragraph, such reduction would be treated as income to the purchaser from the discharge of indebtedness,

then such reduction shall be treated as a purchase price adjustment.

"(6) INDEBTEDNESS CONTRIBUTED TO CAPITAL.—For purposes of determining income of the debtor from discharge of indebtedness, if a debtor corporation acquires its indebtedness from a shareholder as a contribution to capital—

"(A) section 118 shall not apply, but

"(B) such corporation shall be treated as having satisfied the indebtedness with an amount of money equal to the shareholder's adjusted basis in the indebtedness.

"(7) RECAPTURE OF GAIN ON SUBSEQUENT SALE OF STOCK.—

"(A) IN GENERAL.—If a creditor acquires stock of a debtor corporation in satisfaction of such corporation's indebtedness, for purposes of section 1245—

"(i) such stock (and any other property the basis of which is determined in whole or in part by reference to the adjusted basis of such stock) shall be treated as section 1245 property, and

"(ii) the aggregate amount allowed to the creditor—

"(I) as deductions under subsection (a), (b), or (c) of section 166 (by reason of the worthlessness or partial worthlessness of the indebtedness), or

"(II) as an ordinary loss on the exchange,

shall be treated as an amount allowed as a deduction for depreciation.

The amount determined under clause (ii) shall be reduced by the amount (if any) included in the creditor's gross income on the exchange.

"(B) Taxpayers on reserve method.—In the case of a taxpayer to whom subsection (c) of section 166 (relating to reserve for bad debts) applies, the amount determined under clause (ii) of subparagraph (A) shall be the aggregate charges to the reserve resulting from the worthlessness or partial worthlessness of the indebtedness.

"(C) Special rule for cash basis taxpayers.—In the case of any creditor who computes his taxable income under the cash receipts and disbursements method, proper adjustment shall be made in the amount taken into account under clause (ii) of subparagraph (A) for any amount which was not included in the creditor's gross income but which would have been included in such gross income if such indebtedness had been satisfied in full.

"(D) Stock of parent corporation.—For purposes of this paragraph, stock of a corporation in control (within the meaning of section 368(c)) of the debtor corporation shall be treated as stock of the debtor corporation.

"Debtor corporation."

"(E) Treatment of successor corporation.—For purposes of this paragraph, the term 'debtor corporation' includes a successor corporation.

"(F) Partnership rule.—Under regulations prescribed by the Secretary, rules similar to the rules of subparagraphs (A), (B), (C), (D), and (E) of this paragraph shall apply with respect to the indebtedness of a partnership.

"(8) Stock for debt exception not to apply in de minimis cases.—For purposes of determining income of the debtor from discharge of indebtedness, the stock for debt exception shall not apply—

"(A) to the issuance of nominal or token shares, or

"(B) with respect to an unsecured creditor, where the ratio of the value of the stock received by such unsecured creditor to the amount of his indebtedness cancelled or exchanged for stock in the workout is less than 50 percent of a similar ratio computed for all unsecured creditors participating in the workout.

"(9) Discharge of indebtedness income not taken into account in determining whether entity meets REIT qualifications.—Any amount included in gross income by reason of the discharge of indebtedness shall not be taken into account for purposes of paragraphs (2) and (3) of section 856(c)."

(b) Amendment of Section 1017.—Section 1017 (relating to discharge of indebtedness) is amended to read as follows:

26 USC 1017.

"SEC. 1017. DISCHARGE OF INDEBTEDNESS.

"(a) General Rule.—If—

"(1) an amount is excluded from gross income under subsection (a) of section 108 (relating to discharge of indebtedness), and

Ante, p. 3389.

"(2) under subsection (b)(2)(D), (b)(5), or (c)(1)(A) of section 108, any portion of such amount is to be applied to reduce basis,

then such portion shall be applied in reduction of the basis of any property held by the taxpayer at the beginning of the taxable year following the taxable year in which the discharge occurs.

"(b) Amount and Properties Determined Under Regulations.—

"(1) In general.—The amount of reduction to be applied under subsection (a) (not in excess of the portion referred to in subsection (a)), and the particular properties the bases of which are to be reduced, shall be determined under regulations prescribed by the Secretary.

"(2) LIMITATION IN TITLE 11 CASE OR INSOLVENCY.—In the case of a discharge to which subparagraph (A) or (B) of section 108(a)(1) applies, the reduction in basis under subsection (a) of this section shall not exceed the excess of—

11 USC 101 *et seq.*
Ante, p. 3389.

"(A) the aggregate of the bases of the property held by the taxpayer immediately after the discharge, over

"(B) the aggregate of the liabilities of the taxpayer immediately after the discharge.

The preceding sentence shall not apply to any reduction in basis by reason of an election under section 108(b)(5).

"(3) CERTAIN REDUCTIONS MAY ONLY BE MADE IN THE BASIS OF DEPRECIABLE PROPERTY.—

"(A) IN GENERAL.—Any amount which under subsection (b)(5) or (c)(1)(A) of section 108 is to be applied to reduce basis shall be applied only to reduce the basis of depreciable property held by the taxpayer.

"(B) DEPRECIABLE PROPERTY.—For purposes of this section, the term 'depreciable property' means any property of a character subject to the allowance for depreciation, but only if a basis reduction under subsection (a) will reduce the amount of depreciation or amortization which otherwise would be allowable for the period immediately following such reduction.

"(C) SPECIAL RULE FOR PARTNERSHIP INTERESTS.—For purposes of this section, any interest of a partner in a partnership shall be treated as depreciable property to the extent of such partner's proportionate interest in the depreciable property held by such partnership. The preceding sentence shall apply only if there is a corresponding reduction in the partnership's basis in depreciable property with respect to such partner.

"(D) SPECIAL RULE IN CASE OF AFFILIATED GROUP.—For purposes of this section, if—

"(i) a corporation holds stock in another corporation (hereinafter in this subparagraph referred to as the 'subsidiary'), and

"(ii) such corporations are members of the same affiliated group which file a consolidated return under section 1501 for the taxable year in which the discharge occurs,

then such stock shall be treated as depreciable property to the extent that such subsidiary consents to a corresponding reduction in the basis of its depreciable property.

"(E) ELECTION TO TREAT CERTAIN INVENTORY AS DEPRECIABLE PROPERTY.—

"(i) IN GENERAL.—At the election of the taxpayer, for purposes of this section, the term 'depreciable property' includes any real property which is described in section 1221(1).

"Depreciable property."

"(ii) ELECTION.—An election under clause (i) shall be made on the taxpayer's return for the taxable year in which the discharge occurs or at such other time as may be permitted in regulations prescribed by the Secretary. Such an election, once made, may be revoked only with the consent of the Secretary.

"(c) SPECIAL RULES.—

"(1) REDUCTION NOT TO BE MADE IN EXEMPT PROPERTY.—In the case of an amount excluded from gross income under section 108(a)(1)(A), no reduction in basis shall be made under this section in the basis of property which the debtor treats as exempt property under section 522 of title 11 of the United States Code. *Ante*, p. 3389.

"(2) REDUCTIONS IN BASIS NOT TREATED AS DISPOSITIONS.—For purposes of this title, a reduction in basis under this section shall not be treated as a disposition.

"(d) RECAPTURE OF REDUCTIONS.—

"(1) IN GENERAL.—For purposes of sections 1245 and 1250—

"(A) any property the basis of which is reduced under this section and which is neither section 1245 property nor section 1250 property shall be treated as section 1245 property, and

"(B) any reduction under this section shall be treated as a deduction allowed for depreciation.

"(2) SPECIAL RULE FOR SECTION 1250.—For purposes of section 1250(b), the determination of what would have been the depreciation adjustments under the straight line method shall be made as if there had been no reduction under this section."

26 USC 111. (c) AMENDMENT OF SECTION 111.—Section 111 (relating to recovery of bad debts, prior taxes, and delinquency amounts) is amended by adding at the end thereof the following new subsection:

"(d) INCREASE IN CARRYOVER TREATED AS YIELDING TAX BENEFIT.—For purposes of paragraph (4) of subsection (b), an increase in a carryover which has not expired shall be treated as a reduction in tax."

26 USC 382. (d) AMENDMENT OF SECTION 382(b).—Subsection (b) of section 382 (relating to special limitations on net operating loss carryover), as in effect before its amendment by section 806 of the Tax Reform Act of 1976, is amended by adding at the end thereof the following new paragraph: 90 Stat. 1598.

11 USC 101 *et seq.* (7) SPECIAL RULE FOR REORGANIZATIONS IN TITLE 11 OR SIMILAR CASES.—For purposes of this subsection, a creditor who receives stock in a reorganization in a title 11 or similar case (within the meaning of section 368(a)(3)(A)) shall be treated as a stockholder immediately before the reorganization."

(e) TECHNICAL AMENDMENTS.—

26 USC 703. (1) Subsection (b) of section 703 (relating to elections of the partnership) is amended to read as follows:

"(b) ELECTIONS OF THE PARTNERSHIP.—Any election affecting the computation of taxable income derived from a partnership shall be made by the partnership, except that any election under—

"(1) section 57(c) (defining net lease),

"(2) subsection (b)(5) or (d)(4) of section 108 (relating to income from discharge of indebtedness), *Ante*, p. 3389.

"(3) section 163(d) (relating to limitation of interest on investment indebtedness),

"(4) section 617 (relating to deduction and recapture of certain mining exploration expenditures), or

"(5) section 901 (relating to taxes of foreign countries and possessions of the United States),

shall be made by each partner separately."

26 USC 118. (2) Subsection (c) of section 118 (relating to cross reference) is amended to read as follows:

"(c) CROSS REFERENCES.—

"(1) For basis of property acquired by a corporation through a contribution to its capital, see section 362.

"(2) For special rules in the case of contributions of indebtedness, see section 108(e)(6)."

SEC. 3. RULES RELATING TO TITLE 11 CASES FOR INDIVIDUALS.

11 USC 101 *et seq.*

(a) IN GENERAL.—

(1) ADDITION OF RULES.—Chapter 1 (relating to normal taxes and surtaxes) is amended by adding at the end thereof the following new subchapter:

"Subchapter V—Title 11 Cases

"Sec. 1398. Rules relating to individuals' title 11 cases.
"Sec. 1399. No separate taxable entities for partnerships, corporations, etc.

"SEC. 1398. RULES RELATING TO INDIVIDUALS' TITLE 11 CASES.

26 USC 1398.

"(a) CASES TO WHICH SECTION APPLIES.—Except as provided in subsection (b), this section shall apply to any case under chapter 7 (relating to liquidations) or chapter 11 (relating to reorganizations) of title 11 of the United States Code in which the debtor is an individual.

11 USC 701 *et seq.*, 1101 *et seq.*

"(b) EXCEPTIONS WHERE CASE IS DISMISSED, ETC.—

"(1) SECTION DOES NOT APPLY WHERE CASE IS DISMISSED.—This section shall not apply if the case under chapter 7 or 11 of title 11 of the United States Code is dismissed.

"(2) SECTION DOES NOT APPLY AT PARTNERSHIP LEVEL.—For purposes of subsection (a), a partnership shall not be treated as an individual, but the interest in a partnership of a debtor who is an individual shall be taken into account under this section in the same manner as any other interest of the debtor.

"(c) COMPUTATION AND PAYMENT OF TAX; ZERO BRACKET AMOUNT.—

"(1) COMPUTATION AND PAYMENT OF TAX.—Except as otherwise provided in this section, the taxable income of the estate shall be computed in the same manner as for an individual. The tax shall be computed on such taxable income and shall be paid by the trustee.

"(2) TAX RATES.—The tax on the taxable income of the estate shall be determined under subsection (d) of section 1.

"(3) AMOUNT OF ZERO BRACKET AMOUNT.—The amount of the estate's zero bracket amount for the taxable year shall be the same as for a married individual filing a separate return for such year.

"(d) TAXABLE YEAR OF DEBTORS.—

"(1) GENERAL RULE.—Except as provided in paragraph (2), the taxable year of the debtor shall be determined without regard to the case under title 11 of the United States Code to which this section applies.

11 USC 101 *et seq.*

"(2) ELECTION TO TERMINATE DEBTOR'S YEAR WHEN CASE COMMENCES.—

"(A) IN GENERAL.—Notwithstanding section 442, the debtor may (without the approval of the Secretary) elect to treat the debtor's taxable year which includes the commencement date as 2 taxable years—

"(i) the first of which ends on the day before the commencement date, and

"(ii) the second of which begins on the commencement date.

"(B) SPOUSE MAY JOIN IN ELECTION.—In the case of a married individual (within the meaning of section 143), the spouse may elect to have the debtor's election under subparagraph (A) also apply to the spouse, but only if the debtor and the spouse file a joint return for the taxable year referred to in subparagraph (A)(i).

"(C) NO ELECTION WHERE DEBTOR HAS NO ASSETS.—No election may be made under subparagraph (A) by a debtor who has no assets other than property which the debtor may treat as exempt property under section 522 of title 11 of the United States Code.

"(D) TIME FOR MAKING ELECTION.—An election under subparagraph (A) or (B) may be made only on or before the due date for filing the return for the taxable year referred to in subparagraph (A)(i). Any such election, once made, shall be irrevocable.

"(E) RETURNS.—A return shall be made for each of the taxable years specified in subparagraph (A).

"(F) ANNUALIZATION.—For purposes of subsections (b), (c), and (d) of section 443, a return filed for either of the taxable years referred to in subparagraph (A) shall be treated as a return made under paragraph (1) of subsection (a) of section 443.

"(3) COMMENCEMENT DATE DEFINED.—For purposes of this subsection, the term 'commencement date' means the day on which the case under title 11 of the United States Code to which this section applies commences.

11 USC 101 *et seq.*

"(e) TREATMENT OF INCOME, DEDUCTIONS, AND CREDITS.—

"(1) ESTATE'S SHARE OF DEBTOR'S INCOME.—The gross income of the estate for each taxable year shall include the gross income of the debtor to which the estate is entitled under title 11 of the United States Code. The preceding sentence shall not apply to any amount received or accrued by the debtor before the commencement date (as defined in subsection (d)(3)).

"(2) DEBTOR'S SHARE OF DEBTOR'S INCOME.—The gross income of the debtor for any taxable year shall not include any item to the extent that such item is included in the gross income of the estate by reason of paragraph (1).

"(3) RULE FOR MAKING DETERMINATIONS WITH RESPECT TO DEDUCTIONS, CREDITS, AND EMPLOYMENT TAXES.—Except as otherwise provided in this section, the determination of whether or not any amount paid or incurred by the estate—

"(A) is allowable as a deduction or credit under this chapter, or

"(B) is wages for purposes of subtitle C,

shall be made as if the amount were paid or incurred by the debtor and as if the debtor were still engaged in the trades and businesses, and in the activities, the debtor was engaged in before the commencement of the case.

"(f) TREATMENT OF TRANSFERS BETWEEN DEBTOR AND ESTATE.—

"(1) TRANSFER TO ESTATE NOT TREATED AS DISPOSITION.—A transfer (other than by sale or exchange) of an asset from the debtor to the estate shall not be treated as a disposition for purposes of any provision of this title assigning tax consequences to a disposition, and the estate shall be treated as the debtor would be treated with respect to such asset.

"(2) TRANSFER FROM ESTATE TO DEBTOR NOT TREATED AS DISPOSITION.—In the case of a termination of the estate, a transfer (other than by sale or exchange) of an asset from the estate to the debtor shall not be treated as a disposition for purposes of any provision of this title assigning tax consequences to a disposition, and the debtor shall be treated as the estate would be treated with respect to such asset.

"(g) **Estate Succeeds to Tax Attributes of Debtor.**—The estate shall succeed to and take into account the following items (determined as of the first day of the debtor's taxable year in which the case commences) of the debtor—

"(1) **Net operating loss carryovers.**—The net operating loss carryovers determined under section 172.

"(2) **Charitable contributions carryovers.**—The carryover of excess charitable contributions determined under section 170(d)(1).

"(3) **Recovery exclusion.**—Any recovery exclusion under section 111 (relating to recovery of bad debts, prior taxes, and delinquency amounts).

"(4) **Credit carryovers, etc.**—The carryovers of any credit, and all other items which, but for the commencement of the case, would be required to be taken into account by the debtor with respect to any credit.

"(5) **Capital loss carryovers.**—The capital loss carryover determined under section 1212.

"(6) **Basis, holding period, and character of assets.**—In the case of any asset acquired (other than by sale or exchange) by the estate from the debtor, the basis, holding period, and character it had in the hands of the debtor.

"(7) **Method of accounting.**—The method of accounting used by the debtor.

"(8) **Other attributes.**—Other tax attributes of the debtor, to the extent provided in regulations prescribed by the Secretary as necessary or appropriate to carry out the purposes of this section.

"(h) **Administration, Liquidation, and Reorganization Expenses; Carryovers and Carrybacks of Certain Excess Expenses.**—

"(1) **Administration, liquidation, and reorganization expenses.**—Any administrative expense allowed under section 503 of title 11 of the United States Code, and any fee or charge assessed against the estate under chapter 123 of title 28 of the United States Code, to the extent not disallowed under any other provision of this title, shall be allowed as a deduction. 28 USC 1911 *et seq.*

"(2) **Carryback and carryover of excess administrative costs, etc., to estate taxable years.**—

"(A) **Deduction allowed.**—There shall be allowed as a deduction for the taxable year an amount equal to the aggregate of (i) the administrative expense carryovers to such year, plus (ii) the administrative expense carrybacks to such year.

"(B) **Administrative expense loss, etc.**—If a net operating loss would be created or increased for any estate taxable year if section 172(c) were applied without the modification contained in paragraph (4) of section 172(d), then the amount of the net operating loss so created (or the amount of the increase in the net operating loss) shall be an administrative expense loss for such taxable year which shall be an administrative expense carryback to each of the 3 preceding taxable years and an administrative expense carryover to each of the 7 succeeding taxable years.

"(C) **Determination of amount carried to each taxable year.**—The portion of any administrative expense loss which may be carried to any other taxable year shall be determined under section 172(b)(2), except that for each taxable year the computation under section 172(b)(2) with respect to the net operating loss shall be made before the computation under this paragraph.

"(D) ADMINISTRATIVE EXPENSE DEDUCTIONS ALLOWED ONLY TO ESTATE.—The deductions allowable under this chapter solely by reason of paragraph (1), and the deduction provided by subparagraph (A) of this paragraph, shall be allowable only to the estate.

"(i) DEBTOR SUCCEEDS TO TAX ATTRIBUTES OF ESTATE.—In the case of a termination of an estate, the debtor shall succeed to and take into account the items referred to in paragraphs (1), (2), (3), (4), (5), and (6) of subsection (g) in a manner similar to that provided in such paragraphs (but taking into account that the transfer is from the estate to the debtor instead of from the debtor to the estate). In addition, the debtor shall succeed to and take into account the other tax attributes of the estate, to the extent provided in regulations prescribed by the Secretary as necessary or appropriate to carry out the purposes of this section.

"(j) OTHER SPECIAL RULES.—

"(1) CHANGE OF ACCOUNTING PERIOD WITHOUT APPROVAL.—Notwithstanding section 442, the estate may change its annual accounting period one time without the approval of the Secretary.

"(2) TREATMENT OF CERTAIN CARRYBACKS.—

"(A) CARRYBACKS FROM ESTATE.—If any carryback year of the estate is a taxable year before the estate's first taxable year, the carryback to such carryback year shall be taken into account for the debtor's taxable year corresponding to the carryback year.

"(B) CARRYBACKS FROM DEBTOR'S ACTIVITIES.—The debtor may not carry back to a taxable year before the debtor's taxable year in which the case commences any carryback from a taxable year ending after the case commences.

"(C) CARRYBACK AND CARRYBACK YEAR DEFINED.—For purposes of this paragraph—

"(i) CARRYBACK.—The term 'carryback' means a net operating loss carryback under section 172 or a carryback of any credit provided by part IV of subchapter A. 26 USC 31.

"(ii) CARRYBACK YEAR.—The term 'carryback year' means the taxable year to which a carryback is carried.

26 USC 1399.

"SEC. 1399. NO SEPARATE TAXABLE ENTITIES FOR PARTNERSHIPS, CORPORATIONS, ETC.

"Except in any case to which section 1398 applies, no separate taxable entity shall result from the commencement of a case under title 11 of the United States Code." 11 USC 101 *et seq.*

(2) CLERICAL AMENDMENT.—The table of subchapters for chapter 1 is amended by adding at the end thereof the following new item:

"SUBCHAPTER V. Title 11 cases."

(b) RETURN REQUIREMENTS.—

26 USC 6012.

(1) Subsection (a) of section 6012 (relating to persons required to make returns of income) is amended by adding at the end thereof the following new paragraph:

"(9) Every estate of an individual under chapter 7 or 11 of title 11 of the United States Code (relating to bankruptcy) the gross income of which for the taxable year is $2,700 or more." 11 USC 701 *et seq.*, 1101 *et seq.*

(2) Paragraph (4) of section 6012(b) (relating to returns of estates and trusts) is amended by striking out "an estate or a trust" and inserting in lieu thereof "an estate, a trust, or an estate of an individual under chapter 7 or 11 of title 11 of the United States Code". 26 USC 6012.

(c) Disclosure of Returns.—

(1) Subsection (e) of section 6103 (relating to confidentiality and disclosure of returns and return information) is amended by striking out paragraph (4), by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively, and by inserting after paragraph (3) the following new paragraphs: 26 USC 6103.

"(4) Title 11 cases and receivership proceedings.—If—

"(A) there is a trustee in a title 11 case in which the debtor is the person with respect to whom the return is filed, or 11 USC 101 *et seq.*

"(B) substantially all of the property of the person with respect to whom the return is filed is in the hands of a receiver,

such return or returns for prior years of such person shall, upon written request, be open to inspection by or disclosure to such trustee or receiver, but only if the Secretary finds that such trustee or receiver, in his fiduciary capacity, has a material interest which will be affected by information contained therein.

"(5) Individual's title 11 case.—

"(A) In general.—In any case to which section 1398 applies (determined without regard to section 1398(b)(1)), any return of the debtor for the taxable year in which the case commenced or any preceding taxable year shall, upon written request, be open to inspection by or disclosure to the trustee in such case. *Ante*, p. 3397.

"(B) Return of estate available to debtor.—Any return of an estate in a case to which section 1398 applies shall, upon written request, be open to inspection by or disclosure to the debtor in such case.

"(C) Special rule for involuntary cases.—In an involuntary case, no disclosure shall be made under subparagraph (A) until the order for relief has been entered by the court having jurisdiction of such case unless such court finds that such disclosure is appropriate for purposes of determining whether an order for relief should be entered."

(2) Paragraph (6) of section 6103(e) (as redesignated by paragraph (1)) is amended by striking out "or (4)" and inserting in lieu thereof "(4), or (5)". *Supra.*

(d) Technical Amendment.—Subsection (e) of section 443 (relating to cross references) is amended by adding at the end thereof the following new sentence: 26 USC 443.

> **"For returns for a period of less than 12 months in the case of a debtor's election to terminate a taxable year, see section 1398(d)(3)(E)."**

SEC. 4. CORPORATE REORGANIZATION PROVISIONS.

(a) Certain Transfers in Title 11 or Similar Cases To Be Included in Definition of Reorganization.—Paragraph (1) of section 368(a) (defining reorganization) is amended by adding at the end thereof the following new subparagraph: 11 USC 101 *et seq.* 26 USC 368.

"(G) a transfer by a corporation of all or part of its assets to another corporation in a title 11 or similar case; but only if, in pursuance of the plan, stock or securities of the corporation to which the assets are transferred are distributed in a transaction which qualifies under section 354, 355, or 356."

11 USC 101 *et seq.* 26 USC 368.

(b) ADDITIONAL RULES FOR COORDINATING TITLE 11 AND SIMILAR CASES WITH THE GENERAL REORGANIZATION RULES.—Section 368(a) is amended by adding at the end thereof the following new paragraph:

"(3) ADDITIONAL RULES RELATING TO TITLE 11 AND SIMILAR CASES.—

"(A) TITLE 11 OR SIMILAR CASE DEFINED.—For purposes of this part, the term 'title 11 or similar case' means—

"(i) a case under title 11 of the United States Code, or

"(ii) a receivership, foreclosure, or similar proceeding in a Federal or State court.

"(B) TRANSFER OF ASSETS IN A TITLE 11 OR SIMILAR CASE.—In applying paragraph (1)(G), a transfer of the assets of a corporation shall be treated as made in a title 11 or similar case if and only if—

"(i) such corporation is under the jurisdiction of the court in such case, and

"(ii) the transfer is pursuant to a plan of reorganization approved by the court.

"(C) REORGANIZATIONS QUALIFYING UNDER PARAGRAPH (1)(G) AND ANOTHER PROVISION.—If a transaction would (but for this subparagraph) qualify both—

"(i) under subparagraph (G) of paragraph (1), and

"(ii) under any other subparagraph of paragraph (1) or under section 332 or 351,

then, for purposes of this subchapter (other than section 357(c)(1)), such transaction shall be treated as qualifying only under subparagraph (G) of paragraph (1).

"(D) AGENCY RECEIVERSHIP PROCEEDINGS WHICH INVOLVE FINANCIAL INSTITUTIONS.—For purposes of subparagraphs (A) and (B), in the case of a receivership, foreclosure, or similar proceeding before a Federal or State agency involving a financial institution to which section 585 or 593 applies, the agency shall be treated as a court.

"(E) APPLICATION OF PARAGRAPH (2)(E)(ii).—In the case of a title 11 or similar case, the requirement of clause (ii) of paragraph (2)(E) shall be treated as met if—

"(i) no former shareholder of the surviving corporation received any consideration for his stock, and

"(ii) the former creditors of the surviving corporation exchanged, for an amount of voting stock of the controlling corporation, debt of the surviving corporation which had a fair market value equal to 80 percent or more of the total fair market value of the debt of the surviving corporation."

(c) TRANSFERS OF ASSETS TO SUBSIDIARIES.—Subparagraph (C) of section 368(a)(2) (relating to transfers of assets or stock to subsidiaries in certain paragraph (1)(A), (1)(B), and (1)(C) cases) is amended to read as follows:

"(C) TRANSFERS OF ASSETS OR STOCK TO SUBSIDIARIES IN CERTAIN PARAGRAPH (1)(A), (1)(B), (1)(C), AND (1)(G) CASES.—A transaction otherwise qualifying under paragraph (1)(A), (1)(B), or (1)(C) shall not be disqualified by reason of the fact that part or all of the assets or stock which were acquired in the transaction are transferred to a corporation controlled by the corporation acquiring such assets or stock. A similar rule shall apply to a transaction otherwise qualifying under paragraph (1)(G) where the requirements of subparagraphs (A) and (B) of section 354(b)(1) are met with respect to the acquisition of the assets or stock."

(d) Use of Stock of Controlling Corporation.—Subparagraph (D) of section 368(a)(2) (relating to use of stock of controlling corporation in paragraph (1)(A) cases) is amended to read as follows:

26 USC 368.

"(D) Use of stock of controlling corporation in paragraph (1)(A) and (1)(G) cases.—The acquisition by one corporation, in exchange for stock of a corporation (referred to in this subparagraph as 'controlling corporation') which is in control of the acquiring corporation, of substantially all of the properties of another corporation shall not disqualify a transaction under paragraph (1)(A) or (1)(G) if—

"(i) no stock of the acquiring corporation is used in the transaction, and

"(ii) in the case of a transaction under paragraph (1)(A), such transaction would have qualified under paragraph (1)(A) had the merger been into the controlling corporation."

(e) Treatment of Property Attributable to Accrued Interest.—

(1) Amendment of section 354.—Subsection (a) of section 354 (relating to exchanges of stocks and securities in certain reorganizations) is amended by striking out paragraphs (2) and (3) and inserting in lieu thereof the following:

26 USC 354.

"(2) Limitations.—

"(A) Excess principal amount.—Paragraph (1) shall not apply if—

"(i) the principal amount of any such securities received exceeds the principal amount of any such securities surrendered, or

"(ii) any such securities are received and no such securities are surrendered.

"(B) Property attributable to accrued interest.—Neither paragraph (1) nor so much of section 356 as relates to paragraph (1) shall apply to the extent that any stock, securities, or other property received is attributable to interest which has accrued on securities on or after the beginning of the holder's holding period.

"(3) Cross references.—

"(A) For treatment of the exchange if any property is received which is not permitted to be received under this subsection (including an excess principal amount of securities received over securities surrendered, but not including property to which paragraph (2)(B) applies), see section 356.

"(B) For treatment of accrued interest in the case of an exchange described in paragraph (2)(B), see section 61."

(2) Amendment of section 355.—Subsection (a) of section 355 (relating to distribution of stock and securities of a controlled corporation) is amended by striking out paragraphs (3) and (4) and inserting in lieu thereof the following:

26 USC 355.

"(3) Limitations.—

"(A) Excess principal amount.—Paragraph (1) shall not apply if—

"(i) the principal amount of the securities in the controlled corporation which are received exceeds the principal amount of the securities which are surrendered in connection with such distribution, or "(ii) securities in the controlled corporation are received and no securities are surrendered in connection with such distribution.

"(B) STOCK ACQUIRED IN TAXABLE TRANSACTIONS WITHIN 5 YEARS TREATED AS BOOT.—For purposes of this section (other than paragraph (1)(D) of this subsection) and so much of section 356 as relates to this section, stock of a controlled corporation acquired by the distributing corporation by reason of any transaction—

"(i) which occurs within 5 years of the distribution of such stock, and

"(ii) in which gain or loss was recognized in whole or in part,

shall not be treated as stock of such controlled corporation, but as other property.

"(C) PROPERTY ATTRIBUTABLE TO ACCRUED INTEREST.—Neither paragraph (1) nor so much of section 356 as relates to paragraph (1) shall apply to the extent that any stock, securities, or other property received is attributable to interest which has accrued on securities on or after the beginning of the holder's holding period.

"(4) CROSS REFERENCES.—

"(A) For treatment of the exchange if any property is received which is not permitted to be received under this subsection (including an excess principal amount of securities received over securities surrendered, but not including property to which paragraph (3)(C) applies), see section 356.

"(B) For treatment of accrued interest in the case of an exchange described in paragraph (3)(C), see section 61."

(f) TERMINATION OF EXISTING PROVISIONS RELATING TO INSOLVENCY REORGANIZATIONS.—Part IV of subchapter C of chapter 1 (relating to insolvency reorganizations) is amended by inserting before section 371 the following new section:

26 USC 370.

"SEC. 370. TERMINATION OF PART.

"(a) GENERAL RULE.—Except as provided in subsection (b), this part shall not apply to any proceeding which is begun after September 30, 1979.

"(b) EXCEPTIONS.—Subsection (a) shall not apply to subsections (c) and (e) of section 374."

26 USC 381.
Ante, p. 3401.

(g) CARRYOVER OF SECTION 381 ITEMS IN SECTION 368(a)(1)(G) REORGANIZATIONS.—Subsection (a) of section 381 (relating to carryovers in certain corporate acquisitions) is amended—

(1) by striking out "subparagraph (A), (C), (D) (but only if the requirements of subparagraphs (A) and (B) of section 354(b)(1) are met), or (F) of section 368(a)(1)" in paragraph (2) and inserting in lieu thereof "subparagraph (A), (C), (D), (F), or (G) of section 368(a)(1)", and

(2) by adding at the end thereof the following new sentence: "For purposes of the preceding sentence, a reorganization shall be treated as meeting the requirements of subparagraph (D) or (G) of section 368(a)(1) only if the requirements of subparagraphs (A) and (B) of section 354(b)(1) are met."

26 USC 354.

(h) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Paragraphs (1) and (2) of section 354(b) (relating to exception to general rule on exchanges of stock and securities in certain reorganizations) are each amended by striking out "section 368(a)(1)(D)" and inserting in lieu thereof "subparagraph (D) or (G) of section 368(a)(1)".

(2) Paragraph (2) of section 357(c) (relating to liabilities in excess of basis) is amended to read as follows: 26 USC 357.

"(2) EXCEPTIONS.—Paragraph (1) shall not apply to any exchange—

"(A) to which subsection (b)(1) of this section applies,

"(B) to which section 371 or 374 applies, or

"(C) which is pursuant to a plan of reorganization within the meaning of section 368(a)(1)(G) where no former shareholder of the transferor corporation receives any consideration for his stock."

(3) Paragraph (1) of section 368(a) (defining reorganization) is amended— 26 USC 368.

(A) by striking out "or" at the end of subparagraph (E), and

(B) by striking out the period at the end of subparagraph (F) and inserting in lieu thereof "; or".

(4) Subsection (b) of section 368 (defining party to reorganization) is amended—

(A) by striking out "or (1)(C)" in the third sentence and inserting in lieu thereof "(1)(C), or (1)(G)", and

(B) by striking out "paragraph (1)(A)" in the fourth sentence and inserting in lieu thereof "paragraph (1)(A) or (1)(G)".

(5) The table of sections for part IV of subchapter C of chapter 1 is amended by inserting before the item relating to section 371 the following new item:

"Sec. 370. Termination of part."

SEC. 5. MISCELLANEOUS CORPORATE AMENDMENTS.

(a) EXCEPTION FROM PERSONAL HOLDING COMPANY TAX FOR CORPORATIONS IN TITLE 11 OR SIMILAR CASES.—Subsection (c) of section 542 (relating to exceptions from definition of personal holding company) is amended by striking out the period at the end of paragraph (8) and inserting in lieu thereof "; and" and by adding at the end thereof the following new paragraph: 11 USC 101 *et seq.* 26 USC 542.

"(9) a corporation which is subject to the jurisdiction of the court in a title 11 or similar case (within the meaning of section 368(a)(3)(A)) unless a major purpose of instituting or continuing such case is the avoidance of the tax imposed by section 541."

(b) REDEMPTION OF STOCK ISSUED IN RAILROAD REORGANIZATIONS.—

(1) IN GENERAL.—Subsection (b) of section 302 (relating to redemptions treated as exchanges) is amended by striking out paragraph (4) and by redesignating paragraph (5) as paragraph (4). 26 USC 302.

(2) CONFORMING AMENDMENTS.—

(A) Subsection (a) of section 302 is amended by striking out "(2), (3), or (4)" and inserting in lieu thereof "(2), or (3)".

(B) Paragraph (4) of section 302(b) (as redesignated by paragraph (1)) is amended—

(i) by striking out "(2), (3), or (4)" and inserting in lieu thereof "(2) or (3)", and

(ii) by striking out "(1), (2), or (4)" and inserting in lieu thereof "(1) or (2)".

(c) SECTION 337 TO APPLY WHERE LIQUIDATING CORPORATION IS INSOLVENT.—Section 337 (relating to gain or loss on sales or exchanges in connection with certain liquidations) is amended by adding at the end thereof the following new subsection: 26 USC 337.

11 USC 101 *et seq.*

Ante, p. 3402.

"(g) Title 11 or Similar Cases.—If a corporation completely liquidates pursuant to a plan of complete liquidation adopted in a title 11 or similar case (within the meaning of section 368(a)(3)(A))—

"(1) for purposes of subsection (a), the term 'property' shall not include any item acquired on or after the date of the adoption of the plan of liquidation if such item is not property within the meaning of subsection (b)(2), and

"(2) subsection (a) shall apply to sales and exchanges by the corporation of property within the period beginning on the date of the adoption of the plan and ending on the date of the termination of the case."

26 USC 1371.

(d) Estate of Individual in Title 11 Case Permitted To Be Shareholder of Subchapter S Corporation.—Section 1371 (defining small business corporation) is amended by adding at the end thereof the following new subsection:

"Estate."

"(f) Estate of Individual in Title 11 Case May Be Shareholder.—For purposes of subsection (a)(2), the term 'estate' includes the estate of an individual in a case under title 11 of the United States Code."

26 USC 351.

(e) Amendments of Section 351.—

(1) Section 351 (relating to transfer to corporation controlled by transferor) is amended by redesignating subsection (e) as subsection (f) and by striking out subsection (d) and inserting in lieu thereof the following new subsections:

"(d) Services, Certain Indebtedness, and Accrued Interest Not Treated as Property.—For purposes of this section, stock or securities issued for—

"(1) services,

"(2) indebtedness of the transferee corporation which is not evidenced by a security, or

"(3) interest on indebtedness of the transferee corporation which accrued on or after the beginning of the transferor's holding period for the debt,

shall not be considered as issued in return for property.

"(e) Exceptions.—This section shall not apply to—

"(1) Transfer of property to an investment company.—A transfer of property to an investment company.

11 USC 101 *et seq.*

Ante, p. 3402.

"(2) Title 11 or similar case.—A transfer of property of a debtor pursuant to a plan while the debtor is under the jurisdiction of a court in a title 11 or similar case (within the meaning of section 368(a)(3)(A)), to the extent that the stock or securities received in the exchange are used to satisfy the indebtedness of such debtor."

(2) Subsection (a) of section 351 is amended by striking out the last sentence.

26 USC 312.

(f) Effect on Earnings and Profits.—Section 312 (relating to effect on earnings and profits) is amended by adding at the end thereof the following new subsection:

"(l) Discharge of Indebtedness Income.—

Ante, p. 3394.

"(1) Does not increase earnings and profits if applied to reduce basis.—The earnings and profits of a corporation shall not include income from the discharge of indebtedness to the extent of the amount applied to reduce basis under section 1017.

"(2) Reduction of deficit in earnings and profits in certain cases.—If—

Ante, p. 3402.

"(A) the interest of any shareholder of a corporation is terminated or extinguished in a title 11 or similar case (within the meaning of section 368(a)(3)(A)), and

"(B) there is a deficit in the earnings and profits of the corporation,

then such deficit shall be reduced by an amount equal to the paid-in capital which is allocable to the interest of the shareholder which is so terminated or extinguished."

SEC. 6. CHANGES IN TAX PROCEDURES.

(a) SUSPENSION OF RUNNING OF PERIOD OF LIMITATIONS DURING TITLE 11 CASES.—Section 6503 (relating to suspension of running of period of limitation) is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection:

11 USC 101 *et seq.*
26 USC 6503.

"(i) CASES UNDER TITLE 11 OF THE UNITED STATES CODE.—The running of the period of limitations provided in section 6501 or 6502 on the making of assessments or collection shall, in a case under title 11 of the United States Code, be suspended for the period during which the Secretary is prohibited by reason of such case from making the assessment or from collecting and—

"(1) for assessment, 60 days thereafter, and

"(2) for collection, 6 months thereafter."

(b) COORDINATION OF DEFICIENCY PROCEDURES WITH TITLE 11 CASES.—

(1) IN GENERAL.—Section 6213 (relating to restrictions applicable to deficiencies; petition to Tax Court) is amended by redesignating subsections (f) and (g) as subsections (g) and (h), respectively, and by inserting after subsection (e) the following new subsection:

26 USC 6213.

"(f) COORDINATION WITH TITLE 11.—

"(1) SUSPENSION OF RUNNING OF PERIOD FOR FILING PETITION IN TITLE 11 CASES.—In any case under title 11 of the United States Code, the running of the time prescribed by subsection (a) for filing a petition in the Tax Court with respect to any deficiency shall be suspended for the period during which the debtor is prohibited by reason of such case from filing a petition in the Tax Court with respect to such deficiency, and for 60 days thereafter.

"(2) CERTAIN ACTION NOT TAKEN INTO ACCOUNT.—For purposes of the second and third sentences of subsection (a), the filing of a proof of claim or request for payment (or the taking of any other action) in a case under title 11 of the United States Code shall not be treated as action prohibited by such second sentence."

(2) CLERICAL AMENDMENT.—Subsection (d) of section 6404 (relating to abatements) is amended by striking out "section 6213(f)(2)(A)" and inserting in lieu thereof "section 6213(g)(2)(A)".

26 USC 6404.
Supra.

(c) TRUSTEE OF DEBTOR'S ESTATE MAY INTERVENE IN TAX COURT PROCEEDING.—

(1) IN GENERAL.—Part II of subchapter C of chapter 76 (relating to Tax Court procedure) is amended by redesignating section 7464 as section 7465 and by inserting after section 7463 the following new section:

"SEC. 7464. INTERVENTION BY TRUSTEE OF DEBTOR'S ESTATE.

26 USC 7464.

"The trustee of the debtor's estate in any case under title 11 of the United States Code may intervene, on behalf of the debtor's estate, in any proceeding before the Tax Court to which the debtor is a party."

(2) CLERICAL AMENDMENT.—The table of sections for part II of subchapter C of chapter 76 is amended by striking out the item relating to section 7464 and by inserting in lieu thereof the following:

"Sec. 7464. Intervention by trustee of debtor's estate.
"Sec. 7465. Provisions of special application to transferees."

11 USC 101 *et seq.*

(d) CROSS REFERENCES TO TAX DETERMINATIONS IN TITLE 11 CASES.—

26 USC 7430.

(1) AMENDMENT OF SECTION 7430.—Section 7430 (relating to cross references) is amended by striking out paragraphs (1), (2), (3), and (4) and inserting in lieu thereof the following new paragraph:

"(1) For determination of amount of any tax, additions to tax, etc., in title 11 cases, see section 505 of title 11 of the United States Code."

26 USC 6212.

(2) AMENDMENT OF SECTION 6212.—Paragraph (2) of section 6212(c) (relating to cross references) is amended by adding at the end thereof the following new sentence:

"For provisions allowing determination of tax in title 11 cases, see section 505(a) of title 11 of the United States Code."

26 USC 6512.

(3) AMENDMENT OF SECTION 6512.—Section 6512 (relating to limitations in case of petition to Tax Court) is amended by adding at the end thereof the following new subsection:

"(c) CROSS REFERENCE.—

"For provisions allowing determination of tax in title 11 cases, see section 505(a) of title 11 of the United States Code."

26 USC 6532.

(4) AMENDMENT OF SECTION 6532.—Subsection (a) of section 6532 (relating to periods of limitations on suits) is amended by adding at the end thereof the following new paragraph:

"(5) CROSS REFERENCE.—

"For substitution of 120-day period for the 6-month period contained in paragraph (1) in a title 11 case, see section 505(a)(2) of title 11 of the United States Code."

(e) RELIEF FROM CERTAIN PENALTIES IN TITLE 11 CASES.—

(1) IN GENERAL.—Subchapter A of chapter 68 (relating to additions to the tax and additional amounts) is amended by inserting after section 6657 the following new section:

26 USC 6658.

"SEC. 6658. COORDINATION WITH TITLE 11.

"(a) CERTAIN FAILURES TO PAY TAX.—No addition to the tax shall be made under section 6651, 6654, or 6655 for failure to make timely payment of tax with respect to a period during which a case is pending under title 11 of the United States Code—

11 USC 101 *et seq.*

"(1) if such tax was incurred by the estate and the failure occurred pursuant to an order of the court finding probable insufficiency of funds of the estate to pay administrative expenses, or

"(2) if—

"(A) such tax was incurred by the debtor before the earlier of the order for relief or (in the involuntary case) the appointment of a trustee, and

"(B)(i) the petition was filed before the due date prescribed by law (including extensions) for filing a return of such tax, or

"(ii) the date for making the addition to the tax occurs on or after the day on which the petition was filed.

"(b) EXCEPTION FOR COLLECTED TAXES.—Subsection (a) shall not apply to any liability for an addition to the tax which arises from the failure to pay or deposit a tax withheld or collected from others and required to be paid to the United States."

(2) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 68 is amended by inserting after the item relating to section 6657 the following:

"Sec. 6658. Coordination with title 11."

(f) CREDIT AGAINST FEDERAL UNEMPLOYMENT TAX NOT REDUCED IN CERTAIN CASES.—Subsection (a) of section 3302 (relating to credits against unemployment tax) is amended by adding at the end thereof the following new paragraph: 26 USC 3302.

"(5) In the case of wages paid by the trustee of an estate under title 11 of the United States Code, if the failure to pay contributions on time was without fault by the trustee, paragraph (3) shall be applied by substituting '100 percent' for '90 percent'." 11 USC 101 *et seq.*

(g) REMOVAL OF PROVISION FOR IMMEDIATE ASSESSMENT IN CERTAIN TITLE 11 CASES.—

(1) IN GENERAL.—Section 6871 (relating to claims for income, estate, and gift taxes in bankruptcy and receivership proceedings) is amended to read as follows: 26 USC 6871.

"SEC. 6871. CLAIMS FOR INCOME, ESTATE, GIFT, AND CERTAIN EXCISE TAXES IN RECEIVERSHIP PROCEEDINGS, ETC.

"(a) IMMEDIATE ASSESSMENT IN RECEIVERSHIP PROCEEDINGS.—On the appointment of a receiver for the taxpayer in any receivership proceeding before any court of the United States or of any State or of the District of Columbia, any deficiency (together with all interest, additional amounts, and additions to the tax provided by law) determined by the Secretary in respect of a tax imposed by subtitle A or B or by chapter 41, 42, 43, 44, or 45 on such taxpayer may, despite the restrictions imposed by section 6213(a) on assessments, be immediately assessed if such deficiency has not theretofore been assessed in accordance with law. 26 USC 1, 2001, 4911, 4940, 4971, 4981 *ante*, p. 230.

"(b) IMMEDIATE ASSESSMENT WITH RESPECT TO CERTAIN TITLE 11 CASES.—Any deficiency (together with all interest, additional amounts, and additions to the tax provided by law) determined by the Secretary in respect of a tax imposed by subtitle A or B or by chapter 41, 42, 43, 44, or 45 on—

"(1) the debtor's estate in a case under title 11 of the United States Code, or

"(2) the debtor, but only if liability for such tax has become res judicata pursuant to a determination in a case under title 11 of the United States Code,

may, despite the restrictions imposed by section 6213(a) on assessments, be immediately assessed if such deficiency has not theretofore been assessed in accordance with law.

"(c) CLAIM FILED DESPITE PENDENCY OF TAX COURT PROCEEDINGS.—In the case of a tax imposed by subtitle A or B or by chapter 41, 42, 43, 44, or 45—

"(1) claims for the deficiency and for interest, additional amounts, and additions to the tax may be presented, for adjudication in accordance with law, to the court before which the receivership proceeding (or the case under title 11 of the United States Code) is pending, despite the pendency of proceedings for the redetermination of the deficiency pursuant to a petition to the Tax Court; but

"(2) in the case of a receivership proceeding, no petition for any such redetermination shall be filed with the Tax Court after the appointment of the receiver."

(2) AMENDMENT OF SECTION 6873.—Subsection (a) of section 6873 (relating to unpaid claims) is amended by striking out "or any proceeding under the Bankruptcy Act". 26 USC 6873.

(3) CLERICAL AMENDMENTS.—

(A) The table of sections for subchapter B of chapter 70 is amended by striking out the item relating to section 6871 and inserting in lieu thereof the following:

"Sec. 6871. Claims for income, estate, gift, and certain excise taxes in receivership proceedings, etc."

(B) The heading of subchapter B of chapter 70 is amended to read as follows:

"Subchapter B—Receiverships, Etc."

(C) The item relating to subchapter B in the table of subchapters for chapter 70 is amended to read as follows:

"Subchapter B. Receiverships, etc."

(D) The heading of chapter 70 is amended to read as follows:

"CHAPTER 70—JEOPARDY, RECEIVERSHIPS, ETC."

(E) The item relating to chapter 70 in the table of chapters for subtitle F is amended to read as follows:

"Chapter 70. Jeopardy, receiverships, etc."

26 USC 1018. (h) Repeal of Section 1018.—

(1) In general.—Section 1018 (relating to adjustment of capital structure before September 22, 1938) is hereby repealed.

(2) Clerical amendment.—The table of sections for part II of subchapter O of chapter 1 is amended by striking out the item relating to section 1018.

(i) Technical and Conforming Amendments.—

26 USC 128. (1) Subsection (a) of section 128 (relating to cross references) is amended by striking out paragraph (1) and by redesignating paragraphs (2) through (9) as paragraphs (1) through (8), respectively.

26 USC 354. (2) Subsection (c) of section 354 (relating to certain railroad reorganizations) is amended by striking out "approved by the Interstate Commerce Commission under section 77 of the Bankruptcy Act, or" and inserting in lieu thereof "confirmed under section 1173 of title 11 of the United States Code, or approved by the Interstate Commerce Commission".

26 USC 422. (3) Paragraph (5) of section 422(c) (relating to certain transfers by insolvent individuals) is amended by striking out "under the Bankruptcy Act" and inserting in lieu thereof "under title 11 of the United States Code".

26 USC 1023. (4) Section 1023 (relating to cross references) is amended by striking out paragraph (2) and by redesignating paragraph (3) as paragraph (2).

26 USC 6012. (5) Paragraph (3) of section 6012(b) (relating to receivers, trustees, and assignees for corporations) is amended by striking out "trustee in bankruptcy" and inserting in lieu thereof "trustee in a case under title 11 of the United States Code".

26 USC 6036. (6) Section 6036 (relating to notice of qualification as executor or receiver) is amended by striking out "trustee in bankruptcy" and inserting in lieu thereof "trustee in a case under title 11 of the United States Code".

26 USC 6155. (7) Paragraph (2) of section 6155(b) (relating to cross references) is amended by striking out "bankruptcy or".

26 USC 6161. (8) Subsection (c) of section 6161 (relating to claims in bankruptcy or receivership proceedings) is amended—

(A) by striking out "in bankruptcy or receivership proceedings" and inserting in lieu thereof "in cases under title 11 of the United States Code or in receivership proceedings", and 11 USC 101 *et seq.*

(B) by striking out "BANKRUPTCY OR RECEIVERSHIP PROCEEDINGS" in the subsection heading and inserting in lieu thereof "CASES UNDER TITLE 11 OF THE UNITED STATES CODE OR IN RECEIVERSHIP PROCEEDINGS".

(9) Paragraph (1) of section 6216 (relating to cross references) is amended to read as follows: 26 USC 6216.

> **"(1) For procedures relating to receivership proceedings, see subchapter B of chapter 70."**

(10)(A) Section 6326 (relating to cross references) is amended by striking out paragraphs (2), (3), (4), and (5) and inserting in lieu thereof the following: 26 USC 6326.

> **"(2) For exclusion of tax liability from discharge in cases under title 11 of the United States Code, see section 523 of such title 11.**
>
> **"(3) For recognition of tax liens in cases under title 11 of the United States Code, see sections 545 and 724 of such title 11.**
>
> **"(4) For collection of taxes in connection with plans for individuals with regular income in cases under title 11 of the United States Code, see section 1328 of such title 11."**

(B) Section 6326 is amended by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively.

(11) Paragraph (2) of section 6503(i) (relating to cross references) is amended to read as follows: 26 USC 6503.

> **"(2) Receiverships, see subchapter B of chapter 70."**

(12) Section 6872 (relating to suspension period on assessment) is amended by striking out "any proceeding under the Bankruptcy Act" and by inserting in lieu thereof "any case under title 11 of the United States Code". 26 USC 6872.

(13) Section 7430 (as amended by this Act) is amended by inserting after paragraph (1) the following new paragraphs: 26 USC 7430.

> **"(2) For exclusion of tax liability from discharge in cases under title 11 of the United States Code, see section 523 of such title 11.**
>
> **"(3) For recognition of tax liens in cases under title 11 of the United States Code, see sections 545 and 724 of such title 11.**
>
> **"(4) For collection of taxes in connection with plans for individuals with regular income in cases under title 11 of the United States Code, see section 1328 of such title 11."**

(14) Paragraph (1) of section 7508(d) is amended by striking out "BANKRUPTCY AND RECEIVERSHIPS" in the paragraph heading and inserting in lieu thereof "CASES UNDER TITLE 11 OF THE UNITED STATES CODE AND RECEIVERSHIPS". 26 USC 7508.

SEC. 7. EFFECTIVE DATES.

26 USC 108 note.

(a) For section 2 (Relating to Tax Treatment of Discharge of Indebtedness).— *Ante*, p. 3389.

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by section 2 shall apply to any transaction which occurs after December 31, 1980, other than a transaction which occurs in a proceeding in a bankruptcy case or similar judicial proceeding (or in a proceeding under the Bankruptcy Act) commencing on or before December 31, 1980. 11 USC note prec. 101.

(2) TRANSITIONAL RULE.—In the case of any discharge of indebtedness to which subparagraph (A) or (B) of section 108(a)(1) of the Internal Revenue Code of 1954 (relating to exclusion from gross income), as amended by section 2, applies and which occurs before January 1, 1982, or which occurs in a proceeding in a *Ante*, p. 3389.

bankruptcy case or similar judicial proceedings commencing before January 1, 1982, then—

Ante, p. 3389.

(A) section 108(b)(2) of the such Code (relating to reduction of tax attributes), as so amended, shall be applied without regard to subparagraphs (A), (B), (C), and (E) thereof, and

Ante, p. 3394.

(B) the basis of any property shall not be reduced under section 1017 of such Code (relating to reduction in basis in connection with discharges of indebtedness), as so amended, below the fair market value of such property on the date the debt is discharged.

Ante, p. 3397.
11 USC 101
et seq.

(b) For Section 3 (Relating to Rules Relating to Title 11 Cases for Individuals).—The amendments made by section 3 shall apply to any bankruptcy case commencing more than 90 days after the date of the enactment of this Act.

Ante, p. 3401.

(c) For Section 4 (Relating to Corporate Reorganization Provisions).—

(1) In general.—The amendments made by section 4 shall apply to any bankruptcy case or similar judicial proceeding commencing after December 31, 1980.

(2) Exchanges of property for accrued interest.—The amendments made by subsection (e) of section 4 (relating to treatment of property attributable to accrued interest) shall also apply to any exchange—

(A) which occurs after December 31, 1980, and

(B) which does not occur in a bankruptcy case or similar judicial proceeding (or in a proceeding under the Bankruptcy Act) commenced on or before December 31, 1980.

Ante, p. 3405.

(d) For Section 5 (Relating to Miscellaneous Corporate Amendments).—

(1) For subsection (a) (relating to exemption from personal holding company tax).—The amendments made by subsection (a) of section 5 shall apply to any bankruptcy case or similar judicial proceeding commenced after December 31, 1980.

(2) For subsection (b) (relating to repeal of special treatment for certain railroad redemptions).—The amendments made by subsection (b) of section 5 shall apply to stock which is issued after December 31, 1980 (other than stock issued pursuant to a plan of reorganization approved on or before that date).

(3) For subsection (c) (relating to application of 12-month liquidation rule).—The amendment made by subsection (c) of section 5 shall apply to any bankruptcy case or similar judicial proceeding commenced after December 31, 1980.

(4) For subsection (d) (relating to permitting bankruptcy estate to be subchapter s shareholder).—The amendment made by subsection (d) of section 5 shall apply to any bankruptcy case commenced on or after October 1, 1979.

(5) For subsection (e) (relating to certain transfers to controlled corporations).—The amendments made by subsection (e) of section 5 shall apply as provided in subsection (a) of this section.

(6) For subsection (f) (relating to effect of debt discharge on earnings and profits).—The amendment made by subsection (f) of section 5 shall apply as provided in subsection (a) of this section.

Ante, p. 3407.

(e) For Section 6 (Relating to Changes in Tax Procedures).—The amendments made by section 6 shall take effect on October 1, 1979, but shall not apply to any proceeding under the Bankruptcy Act commenced before October 1, 1979.

(f) **Election To Substitute September 30, 1979, for December 31, 1980.**—

(1) **In general.**—The debtor (or debtors) in a bankruptcy case or similar judicial proceeding may (with the approval of the court) elect to apply subsections (a), (c), and (d) by substituting "September 30, 1979" for "December 31, 1980" each place it appears in such subsections.

(2) **Effect of election.**—Any election made under paragraph (1) with respect to any proceeding shall apply to all parties to the proceeding.

(3) **Revocation only with consent.**—Any election under this subsection may be revoked only with the consent of the Secretary of the Treasury or his delegate.

(4) **Time and manner of election.**—Any election under this subsection shall be made at such time, and in such manner, as the Secretary of the Treasury or his delegate may by regulations prescribe.

(g) **Definitions.**—For purposes of this section—

(1) **Bankruptcy case.**—The term "bankruptcy case" means any case under title 11 of the United States Code (as recodified by Public Law 95-598).

11 USC 101 *et seq.*

(2) **Similar judicial proceeding.**—The term "similar judicial proceeding" means a receivership, foreclosure, or similar proceeding in a Federal or State court (as modified by section 368(a)(3)(D) of the Internal Revenue Code of 1954).

Ante, p. 3402.

Approved December 24, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT: No. 96-833 (Comm. on Ways and Means).
SENATE REPORT: No. 96-1035 (Comm. on Finance).
CONGRESSIONAL RECORD, Vol. 126 (1980):
  Mar. 24, considered and passed House.
  Dec. 13, considered and passed Senate, amended; House agreed to Senate amendments.

Public Law 96-590
96th Congress

An Act

Dec. 24, 1980
[S. 3261]

To amend section 222 of the Communications Act of 1934 in order to include Hawaii in the same category as other States for the purposes of such section.

Communications Act of 1934, amendment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 222(a)(10) of the Communications Act of 1934 (47 U.S.C. 222(a)(10)) is amended by striking out ", except Hawaii".

SEC. 2. Section 222 of the Communications Act of 1934 (47 U.S.C. 222), as amended, is further amended by adding at the end thereof the following new subsection:

"(g)(1) The authority of any carrier to provide any service or operate any facilities which it is authorized to provide or operate on the date of enactment of this subsection shall not be altered solely by the inclusion of Hawaii within the definition of 'Continental United States', nor shall such inclusion restrict or impair any carrier's eligibility after the date of enactment of this subsection for new or additional authority.

"(2) Whenever, upon a complaint or upon its own initiative, and after opportunity for a hearing, the Commission finds that any charge, classification, regulation, or practice relating to intercarrier arrangements of any carrier serving Hawaii is or will be unjust, unreasonable, discriminatory, or not in the public interest, the Commission shall determine and prescribe what charge, classification, regulation, or practice, or such other remedy as is or will be just, reasonable, nondiscriminatory and in the public interest to be thereafter followed.".

Approved December 24, 1980.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 126 (1980):
Dec. 11, considered and passed Senate.
Dec. 12, considered and passed House.

Public Law 96-591
96th Congress

An Act

To unify the rules for preventing collisions on the inland waters of the United States, and for other purposes.

Dec. 24, 1980
[H.R. 6671]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Inland Navigational Rules Act of 1980"

Inland Navigational Rules Act of 1980.
33 USC 2001 note.

Sec. 2. Inland Navigational Rules:

PART A—GENERAL

RULE 1

Application

33 USC 2001.

(a) These Rules apply to all vessels upon the inland waters of the United States, and to vessels of the United States on the Canadian waters of the Great Lakes to the extent that there is no conflict with Canadian law.

(b)(i) These Rules constitute special rules made by an appropriate authority within the meaning of Rule 1(b) of the International Regulations.

(ii) All vessels complying with the construction and equipment requirements of the International Regulations are considered to be in compliance with these Rules.

(c) Nothing in these Rules shall interfere with the operation of any special rules made by the Secretary of the Navy with respect to additional station or signal lights and shapes or whistle signals for ships of war and vessels proceeding under convoy, or by the Secretary with respect to additional station or signal lights and shapes for fishing vessels engaged in fishing as a fleet. These additional station or signal lights and shapes or whistle signals shall, so far as possible, be such that they cannot be mistaken for any light, shape, or signal authorized elsewhere under these Rules. Notice of such special rules shall be published in the Federal Register and, after the effective date specified in such notice, they shall have effect as if they were a part of these Rules.

(d) Vessel traffic service regulations may be in effect in certain areas.

(e) Whenever the Secretary determines that a vessel or class of vessels of special construction or purpose cannot comply fully with the provisions of any of these Rules with respect to the number, position, range, or arc of visibility of lights or shapes, as well as to the disposition and characteristics of sound-signaling appliances, without interfering with the special function of the vessel, the vessel shall comply with such other provisions in regard to the number, position, range, or arc of visibility of lights or shapes, as well as to the disposition and characteristics of sound-signaling appliances, as the Secretary shall have determined to be the closest possible compliance with these Rules. The Secretary may issue a certificate of alternative compliance for a vessel or class of vessels specifying the closest possible compliance with these Rules. The Secretary of the Navy shall make these determinations and issue certificates of alternative compliance for vessels of the Navy.

(f) The Secretary may accept a certificate of alternative compliance issued by a contracting party to the International Regulations if he determines that the alternative compliance standards of the contracting party are substantially the same as those of the United States.

RULE 2

Responsibility

33 USC 2002.

(a) Nothing in these Rules shall exonerate any vessel, or the owner, master, or crew thereof, from the consequences of any neglect to comply with these Rules or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case.

(b) In construing and complying with these Rules due regard shall be had to all dangers of navigation and collision and to any special circumstances, including the limitations of the vessels involved, which may make a departure from these Rules necessary to avoid immediate danger.

RULE 3

General Definitions

33 USC 2003.

For the purpose of these Rules and this Act, except where the context otherwise requires:

(a) The word "vessel" includes every description of water craft, including nondisplacement craft and seaplanes, used or capable of being used as a means of transportation on water;

(b) The term "power-driven vessel" means any vessel propelled by machinery;

(c) The term "sailing vessel" means any vessel under sail provided that propelling machinery, if fitted, is not being used;

(d) The term "vessel engaged in fishing" means any vessel fishing with nets, lines, trawls, or other fishing apparatus which restricts maneuverability, but does not include a vessel fishing with trolling lines or other fishing apparatus which do not restrict maneuverability;

(e) The word "seaplane" includes any aircraft designed to maneuver on the water;

(f) The term "vessel not under command" means a vessel which through some exceptional circumstance is unable to maneuver as required by these Rules and is therefore unable to keep out of the way of another vessel;

(g) The term "vessel restricted in her ability to maneuver" means a vessel which from the nature of her work is restricted in her ability to maneuver as required by these Rules and is therefore unable to keep out of the way of another vessel; vessels restricted in their ability to maneuver include, but are not limited to:

(i) a vessel engaged in laying, servicing, or picking up a navigation mark, submarine cable, or pipeline;

(ii) a vessel engaged in dredging, surveying, or underwater operations;

(iii) a vessel engaged in replenishment or transferring persons, provisions, or cargo while underway;

(iv) a vessel engaged in the launching or recovery of aircraft;

(v) a vessel engaged in minesweeping operations; and

(vi) a vessel engaged in a towing operation such as severely restricts the towing vessel and her tow in their ability to deviate from their course.

(h) The word "underway" means that a vessel is not at anchor, or made fast to the shore, or aground;

(i) The words "length" and "breadth" of a vessel mean her length overall and greatest breadth;

(j) Vessels shall be deemed to be in sight of one another only when one can be observed visually from the other;

(k) The term "restricted visibility" means any condition in which visibility is restricted by fog, mist, falling snow, heavy rainstorms, sandstorms, or any other similar causes;

(l) "Western Rivers" means the Mississippi River, its tributaries, South Pass, and Southwest Pass, to the navigational demarcation lines dividing the high seas from harbors, rivers, and other inland waters of the United States, and the Port Allen-Morgan City Alternate Route, and that part of the Atchafalaya River above its junction with the Port Allen-Morgan City Alternate Route including the Old River and the Red River;

(m) "Great Lakes" means the Great Lakes and their connecting and tributary waters including the Calumet River as far as the Thomas J. O'Brien Lock and Controlling Works (between mile 326 and 327), the Chicago River as far as the east side of the Ashland Avenue Bridge (between mile 321 and 322), and the Saint Lawrence River as far east as the lower exit of Saint Lambert Lock;

(n) "Secretary" means the Secretary of the department in which the Coast Guard is operating;

(o) "Inland Waters" means the navigable waters of the United States shoreward of the navigational demarcation lines dividing the high seas from harbors, rivers, and other inland waters of the United States and the waters of the Great Lakes on the United States side of the International Boundary;

(p) "Inland Rules" or "Rules" mean the Inland Navigational Rules and the annexes thereto, which govern the conduct of vessels and specify the lights, shapes, and sound signals that apply on inland waters; and

(q) "International Regulations" means the International Regulations for Preventing Collisions at Sea, 1972, including annexes currently in force for the United States. 33 USC 1602 note.

PART B—STEERING AND SAILING RULES

SUBPART I—CONDUCT OF VESSELS IN ANY CONDITION OF VISIBILITY

RULE 4

Application

Rules in this subpart apply in any condition of visibility. 33 USC 2004.

RULE 5

Look-out

33 USC 2005.

Every vessel shall at all times maintain a proper look-out by sight and hearing as well as by all available means appropriate in the prevailing circumstances and conditions so as to make a full appraisal of the situation and of the risk of collision.

RULE 6

Safe Speed

33 USC 2006.

Every vessel shall at all times proceed at a safe speed so that she can take proper and effective action to avoid collision and be stopped within a distance appropriate to the prevailing circumstances and conditions.

In determining a safe speed the following factors shall be among those taken into account:

(a) By all vessels:

(i) the state of visibility;

(ii) the traffic density including concentration of fishing vessels or any other vessels;

(iii) the maneuverability of the vessel with special reference to stopping distance and turning ability in the prevailing conditions;

(iv) at night the presence of background light such as from shores lights or from back scatter of her own lights;

(v) the state of wind, sea, and current, and the proximity of navigational hazards;

(vi) the draft in relation to the available depth of water.

(b) Additionally, by vessels with operational radar:

(i) the characteristics, efficiency and limitations of the radar equipment;

(ii) any constraints imposed by the radar range scale in use;

(iii) the effect on radar detection of the sea state, weather, and other sources of interference;

(iv) the possibility that small vessels, ice and other floating objects may not be detected by radar at an adequate range;

(v) the number, location, and movement of vessels detected by radar; and

(vi) the more exact assessment of the visibility that may be possible when radar is used to determine the range of vessels or other objects in the vicinity.

RULE 7

Risk of Collision

33 USC 2007.

(a) Every vessel shall use all available means appropriate to the prevailing circumstances and conditions to determine if risk of collision exists. If there is any doubt such risk shall be deemed to exist.

(b) Proper use shall be made of radar equipment if fitted and operational, including long-range scanning to obtain early warning of risk of collision and radar plotting or equivalent systematic observation of detected objects.

(c) Assumptions shall not be made on the basis of scanty information, especially scanty radar information.

(d) In determining if risk of collision exists the following considerations shall be among those taken into account:

(i) such risk shall be deemed to exist if the compass bearing of an approaching vessel does not appreciably change; and

(ii) such risk may sometimes exist even when an appreciable bearing change is evident, particularly when approaching a very large vessel or a tow or when approaching a vessel at close range.

RULE 8

Action To Avoid Collision

33 USC 2008.

(a) Any action taken to avoid collision shall, if the circumstances of the case admit, be positive, made in ample time and with due regard to the observance of good seamanship.

(b) Any alteration of course or speed to avoid collision shall, if the circumstances of the case admit, be large enough to be readily apparent to another vessel observing visually or by radar; a succession of small alterations of course or speed should be avoided.

(c) If there is sufficient sea room, alteration of course alone may be the most effective action to avoid a close-quarters situation provided that it is made in good time, is substantial and does not result in another close-quarters situation.

(d) Action taken to avoid collision with another vessel shall be such as to result in passing at a safe distance. The effectiveness of the action shall be carefully checked until the other vessel is finally past and clear.

(e) If necessary to avoid collision or allow more time to assess the situation, a vessel shall slacken her speed or take all way off by stopping or reversing her means of propulsion.

RULE 9

Narrow Channels

33 USC 2009.

(a)(i) A vessel proceeding along the course of a narrow channel or fairway shall keep as near to the outer limit of the channel or fairway which lies on her starboard side as is safe and practicable.

(ii) Notwithstanding paragraph (a)(i) and Rule 14(a), a power-driven vessel operating in narrow channels or fairways on the Great Lakes, Western Rivers, or waters specified by the Secretary, and proceeding downbound with a following current shall have the right-of-way over an upbound vessel, shall propose the manner and place of passage, and shall initiate the maneuvering signals prescribed by Rule 34(a)(i), as appropriate. The vessel proceeding upbound against the current shall hold as necessary to permit safe passing.

(b) A vessel of less than 20 meters in length or a sailing vessel shall not impede the passage of a vessel that can safely navigate only within a narrow channel or fairway.

(c) A vessel engaged in fishing shall not impede the passage of any other vessel navigating within a narrow channel or fairway.

(d) A vessel shall not cross a narrow channel or fairway if such crossing impedes the passage of a vessel which can safely navigate only within that channel or fairway. The latter vessel shall use the danger signal prescribed in Rule 34(d) if in doubt as to the intention of the crossing vessel.

(e)(i) In a narrow channel or fairway when overtaking, the vessel intending to overtake shall indicate her intention by sounding the appropriate signal prescribed in Rule 34(c) and take steps to permit safe passing. The overtaken vessel, if in agreement, shall sound the same signal. If in doubt she shall sound the danger signal prescribed in Rule 34(d).

(ii) This Rule does not relieve the overtaking vessel of her obligation under Rule 13.

(f) A vessel nearing a bend or an area of a narrow channel or fairway where other vessels may be obscured by an intervening obstruction shall navigate with particular alertness and caution and shall sound the appropriate signal prescribed in Rule 34(e).

(g) Every vessel shall, if the circumstances of the case admit, avoid anchoring in a narrow channel.

RULE 10

Vessel Traffic Services

33 USC 2010.

Each vessel required by regulation to participate in a vessel traffic service shall comply with the applicable regulations.

SUBPART II—CONDUCT OF VESSELS IN SIGHT OF ONE ANOTHER

RULE 11

Application

33 USC 2011.

Rules in this subpart apply to vessels in sight of one another.

RULE 12

Sailing Vessels

33 USC 2012.

(a) When two sailing vessels are approaching one another, so as to involve risk of collision, one of them shall keep out of the way of the other as follows:

- (i) when each has the wind on a different side, the vessel which has the wind on the port side shall keep out of the way of the other;
- (ii) when both have the wind on the same side, the vessel which is to windward shall keep out of the way of the vessel which is to leeward; and
- (iii) if a vessel with the wind on the port side sees a vessel to windward and cannot determine with certainty whether the other vessel has the wind on the port or on the starboard side, she shall keep out of the way of the other.

(b) For the purpose of this Rule the windward side shall be deemed to be the side opposite to that on which the mainsail is carried or, in the case of a square-rigged vessel, the side opposite to that on which the largest fore-and-aft sail is carried.

RULE 13

Overtaking

33 USC 2013.

(a) Notwithstanding anything contained in Rules 4 through 18, any vessel overtaking any other shall keep out of the way of the vessel being overtaken.

(b) A vessel shall be deemed to be overtaking when coming up with another vessel from a direction more than 22.5 degrees abaft her beam; that is, in such a position with reference to the vessel she is overtaking, that at night she would be able to see only the sternlight of that vessel but neither of her sidelights.

(c) When a vessel is in any doubt as to whether she is overtaking another, she shall assume that this is the case and act accordingly.

(d) Any subsequent alteration of the bearing between the two vessels shall not make the overtaking vessel a crossing vessel within the meaning of these Rules or relieve her of the duty of keeping clear of the overtaken vessel until she is finally past and clear.

RULE 14

Head-on Situation

33 USC 2014.

(a) When two power-driven vessels are meeting on reciprocal or nearly reciprocal courses so as to involve risk of collision each shall alter her course to starboard so that each shall pass on the port side of the other.

(b) Such a situation shall be deemed to exist when a vessel sees the other ahead or nearly ahead and by night she could see the masthead lights of the other in a line or nearly in a line or both sidelights and by day she observes the corresponding aspect of the other vessel.

(c) When a vessel is in any doubt as to whether such a situation exists she shall assume that it does exist and act accordingly.

RULE 15

Crossing Situation

33 USC 2015.

(a) When two power-driven vessels are crossing so as to involve risk of collision, the vessel which has the other on her starboard side shall keep out of the way and shall, if the circumstances of the case admit, avoid crossing ahead of the other vessel.

(b) Notwithstanding paragraph (a), on the Great Lakes, Western Rivers, or water specified by the Secretary, a vessel crossing a river shall keep out of the way of a power-driven vessel ascending or descending the river.

RULE 16

Action by Give-Way Vessel

33 USC 2016.

Every vessel which is directed to keep out of the way of another vessel shall, so far as possible, take early and substantial action to keep well clear.

RULE 17

Action by Stand-on Vessel

33 USC 2017.

(a)(i) Where one of two vessels is to keep out of the way, the other shall keep her course and speed.

(ii) The latter vessel may, however, take action to avoid collision by her maneuver alone, as soon as it becomes apparent to her that the vessel required to keep out of the way is not taking appropriate action in compliance with these Rules.

(b) When, from any cause, the vessel required to keep her course and speed finds herself so close that collision cannot be avoided by the action of the give-way vessel alone, she shall take such action as will best aid to avoid collision.

(c) A power-driven vessel which takes action in a crossing situation in accordance with subparagraph (a)(ii) of this Rule to avoid collision with another power-driven vessel shall, if the circumstances of the case admit, not alter course to port for a vessel on her own port side.

(d) This Rule does not relieve the give-way vessel of her obligation to keep out of the way.

RULE 18

Responsibilities Between Vessels

33 USC 2018. Except where Rules 9, 10, and 13 otherwise require:

(a) A power-driven vessel underway shall keep out of the way of:

(i) a vessel not under command;

(ii) a vessel restricted in her ability to maneuver;

(iii) a vessel engaged in fishing; and

(iv) a sailing vessel.

(b) A sailing vessel underway shall keep out of the way of:

(i) a vessel not under command;

(ii) a vessel restricted in her ability to maneuver; and

(iii) a vessel engaged in fishing.

(c) A vessel engaged in fishing when underway shall, so far as possible, keep out of the way of:

(i) a vessel not under command; and

(ii) a vessel restricted in her ability to maneuver.

(d) A seaplane on the water shall, in general, keep well clear of all vessels and avoid impeding their navigation. In circumstances, however, where risk of collision exists, she shall comply with the Rules of this Part.

SUBPART III—CONDUCT OF VESSELS IN RESTRICTED VISIBILITY

RULE 19

Conduct of Vessels in Restricted Visibility

33 USC 2019. (a) This Rule applies to vessels not in sight of one another when navigating in or near an area of restricted visibility.

(b) Every vessel shall proceed at a safe speed adapted to the prevailing circumstances and conditions of restricted visibility. A power-driven vessel shall have her engines ready for immediate maneuver.

(c) Every vessel shall have due regard to the prevailing circumstances and conditions of restricted visibility when complying with Rules 4 through 10.

(d) A vessel which detects by radar alone the presence of another vessel shall determine if a close-quarters situation is developing or risk of collision exists. If so, she shall take avoiding action in ample time, provided that when such action consists of an alteration of course, so far as possible the following shall be avoided:

(i) an alteration of course to port for a vessel forward of the beam, other than for a vessel being overtaken; and

(ii) an alteration of course toward a vessel abeam or abaft the beam.

(e) Except where it has been determined that a risk of collision does not exist, every vessel which hears apparently forward of her beam the fog signal of another vessel, or which cannot avoid a close-quarters situation with another vessel forward of her beam, shall reduce her speed to the minimum at which she can be kept on course. She shall if necessary take all her way off and, in any event, navigate with extreme caution until danger of collision is over.

PART C—LIGHTS AND SHAPES

RULE 20

Application

(a) Rules in this Part shall be complied with in all weathers. 33 USC 2020.

(b) The Rules concerning lights shall be complied with from sunset to sunrise, and during such times no other lights shall be exhibited, except such lights as cannot be mistaken for the lights specified in these Rules or do not impair their visibility or distinctive character, or interfere with the keeping of a proper lookout.

(c) The lights prescribed by these Rules shall, if carried, also be exhibited from sunrise to sunset in restricted visibility and may be exhibited in all other circumstances when it is deemed necessary.

(d) The Rules concerning shapes shall be complied with by day.

(e) The lights and shapes specified in these Rules shall comply with the provisions of Annex I of these Rules.

RULE 21

Definitions

(a) "Masthead light" means a white light placed over the fore and aft centerline of the vessel showing an unbroken light over an arc of the horizon of 225 degrees and so fixed as to show the light from right ahead to 22.5 degrees abaft the beam on either side of the vessel, except that on a vessel of less than 12 meters in length the masthead light shall be placed as nearly as practicable to the fore and aft centerline of the vessel. 33 USC 2021.

(b) "Sidelights" mean a green light on the starboard side and a red light on the port side each showing an unbroken light over an arc of the horizon of 112.5 degrees and so fixed as to show the light from right ahead to 22.5 degrees abaft the beam on its respective side. On a vessel of less than 20 meters in length the side lights may be combined in one lantern carried on the fore and aft centerline of the vessel, except that on a vessel of less than 12 meters in length the sidelights when combined in one lantern shall be placed as nearly as practicable to the fore and aft centerline of the vessel.

(c) "Sternlight" means a white light placed as nearly as practicable at the stern showing an unbroken light over an arc of the horizon of 135 degrees and so fixed as to show the light 67.5 degrees from right aft on each side of the vessel.

(d) "Towing light" means a yellow light having the same characteristics as the "sternlight" defined in paragraph (c) of this Rule.

(e) "All-round light" means a light showing an unbroken light over an arc of the horizon of 360 degrees.

(f) "Flashing light" means a light flashing at regular intervals at a frequency of 120 flashes or more per minute.

(g) "Special flashing light" means a yellow light flashing at regular intervals at a frequency of 50 to 70 flashes per minute, placed as far forward and as nearly as practicable on the fore and aft centerline of the tow and showing an unbroken light over an arc of the horizon of not less than 180 degrees nor more than 225 degrees and so fixed as to show the light from right ahead to abeam and no more than 22.5 degrees abaft the beam on either side of the vessel.

RULE 22

Visibility of Lights

33 USC 2022.

The lights prescribed in these Rules shall have an intensity as specified in Annex I to these Rules, so as to be visible at the following minimum ranges:

(a) In a vessel of 50 meters or more in length:
a masthead light, 6 miles;
a sidelight, 3 miles;
a sternlight, 3 miles;
a towing light, 3 miles;
a white, red, green or yellow all-round light, 3 miles; and
a special flashing light, 2 miles.

(b) In a vessel of 12 meters or more in length but less than 50 meters in length:
a masthead light, 5 miles; except that where the length of the vessel is less than 20 meters, 3 miles;
a sidelight, 2 miles;
a sternlight, 2 miles;
a towing light, 2 miles;
a white, red, green or yellow all-round light, 2 miles; and
a special flashing light, 2 miles.

(c) In a vessel of less than 12 meters in length:
a masthead light, 2 miles;
a sidelight, 1 mile;
a sternlight, 2 miles;
a towing light, 2 miles;
a white, red, green or yellow all-round light, 2 miles; and
a special flashing light, 2 miles.

(d) In an inconspicuous, partly submerged vessel or object being towed:
a white all-round light, 3 miles.

RULE 23

Power-Driven Vessels Underway

33 USC 2023.

(a) A power-driven vessel underway shall exhibit:

(i) a masthead light forward; except that a vessel of less than 20 meters in length need not exhibit this light forward of amidships but shall exhibit it as far forward as is practicable;

(ii) a second masthead light abaft of and higher than the forward one; except that a vessel of less than 50 meters in length shall not be obliged to exhibit such light but may do so;

(iii) sidelights; and

(iv) a sternlight.

(b) An air-cushion vessel when operating in the nondisplacement mode shall, in addition to the lights prescribed in paragraph (a) of this Rule, exhibit an all-round flashing yellow light where it can best be seen.

(c) A power-driven vessel of less than 12 meters in length may, in lieu of the lights prescribed in paragraph (a) of this Rule, exhibit an all-round white light and sidelights.

(d) A power-driven vessel when operating on the Great Lakes may carry an all-round white light in lieu of the second masthead light and sternlight prescribed in paragraph (a) of this Rule. The light shall be carried in the position of the second masthead light and be visible at the same minimum range.

RULE 24

Towing and Pushing

33 USC 2024.

(a) A power-driven vessel when towing astern shall exhibit:

(i) instead of the light prescribed either in Rule 23 (a)(i) or 23(a)(ii), two masthead lights in a vertical line. When the length of the tow, measuring from the stern of the towing vessel to the after end of the tow exceeds 200 meters, three such lights in a vertical line;

(ii) sidelights;

(iii) a sternlight;

(iv) a towing light in a vertical line above the sternlight; and

(v) when the length of the tow exceeds 200 meters, a diamond shape where it can best be seen.

(b) When a pushing vessel and a vessel being pushed ahead are rigidly connected in a composite unit they shall be regarded as a power-driven vessel and exhibit the lights prescribed in Rule 23.

(c) A power-driven vessel when pushing ahead or towing alongside, except as required by paragraphs (b) and (i) of this Rule, shall exhibit:

(i) instead of the light prescribed either in Rule 23(a)(i) or 23(a)(ii), two masthead lights in a vertical line;

(ii) sidelights; and

(iii) two towing lights in a vertical line.

(d) A power-driven vessel to which paragraphs (a) or (c) of this Rule apply shall also comply with Rule 23(a)(i) and 23(a)(ii).

(e) A vessel or object other than those referred to in paragraph (g) of this Rule being towed shall exhibit:

(i) sidelights;

(ii) a sternlight; and

(iii) when the length of the tow exceeds 200 meters, a diamond shape where it can best be seen.

(f) Provided that any number of vessels being towed alongside or pushed in a group shall be lighted as one vessel:

(i) a vessel being pushed ahead, not being part of a composite unit, shall exhibit at the forward end sidelights, and a special flashing light; and

(ii) a vessel being towed alongside shall exhibit a sternlight and at the forward end sidelights.

(g) An inconspicuous, partly submerged vessel or object being towed shall exhibit:

(i) if it is less than 25 meters in breadth, one all-round white light at or near each end;

(ii) if it is 25 meters or more in breadth, four all-round white lights to mark its length and breadth;

(iii) if it exceeds 100 meters in length, additional all-round white lights between the lights prescribed in subparagraphs (i) and (ii) so that the distance between the lights shall not exceed 100 meters: *Provided,* That any vessels or objects being towed alongside each other shall be lighted as one vessel or object;

(iv) a diamond shape at or near the aftermost extremity of the last vessel or object being towed; and

(v) the towing vessel may direct a searchlight in the direction of the tow to indicate its presence to an approaching vessel.

(h) Where from any sufficient cause it is impracticable for a vessel or object being towed to exhibit the lights prescribed in paragraph (e) or (g) of this Rule, all possible measures shall be taken to light the vessel or object towed or at least to indicate the presence of the unlighted vessel or object.

(i) Notwithstanding paragraph (c), on the Western Rivers and on waters specified by the Secretary, a power-driven vessel when pushing ahead or towing alongside, except as paragraph (b) applies, shall exhibit:

(i) sidelights; and

(ii) two towing lights in a vertical line.

(j) Where from any sufficient cause it is impracticable for a vessel not normally engaged in towing operations to display the lights prescribed by paragraph (a), (c) or (i) of this Rule, such vessel shall not be required to exhibit those lights when engaged in towing another vessel in distress or otherwise in need of assistance. All possible measures shall be taken to indicate the nature of the relationship between the towing vessel and the vessel being assisted. The searchlight authorized by Rule 36 may be used to illuminate the tow.

RULE 25

Sailing Vessels Underway and Vessels Under Oars

33 USC 2025.

(a) A sailing vessel underway shall exhibit:

(i) sidelights; and

(ii) a sternlight.

(b) In a sailing vessel of less than 20 meters in length the lights prescribed in paragraph (a) of this Rule may be combined in one lantern carried at or near the top of the mast where it can best be seen.

(c) A sailing vessel underway may, in addition to the lights prescribed in paragraph (a) of this Rule, exhibit at or near the top of the mast, where they can best be seen, two all-round lights in a vertical line, the upper being red and the lower green, but these lights shall not be exhibited in conjunction with the combined lantern permitted by paragraph (b) of this Rule.

(d)(i) A sailing vessel of less than 7 meters in length shall, if practicable, exhibit the lights prescribed in paragraph (a) or (b) of this Rule, but if she does not, she shall have ready at hand an electric torch or lighted lantern showing a white light which shall be exhibited in sufficient time to prevent collision.

(ii) A vessel under oars may exhibit the lights prescribed in this Rule for sailing vessels, but if she does not, she shall have ready at hand an electric torch or lighted lantern showing a white light which shall be exhibited in sufficient time to prevent collision.

(e) A vessel proceeding under sail when also being propelled by machinery shall exhibit forward where it can best be seen a conical shape, apex downward. A vessel of less than 12 meters in length is not required to exhibit this shape, but may do so.

RULE 26

Fishing Vessels

(a) A vessel engaged in fishing, whether underway or at anchor, shall exhibit only the lights and shapes prescribed in this Rule. 33 USC 2026.

(b) A vessel when engaged in trawling, by which is meant the dragging through the water of a dredge net or other apparatus used as a fishing appliance, shall exhibit:

(i) two all-round lights in a vertical line, the upper being green and the lower white, or a shape consisting of two cones with their apexes together in a vertical line one above the other; a vessel of less than 20 meters in length may instead of this shape exhibit a basket;

(ii) a masthead light abaft of and higher than the all-round green light; a vessel of less than 50 meters in length shall not be obliged to exhibit such a light but may do so; and

(iii) when making way through the water, in addition to the lights prescribed in this paragraph, sidelights and a sternlight.

(c) A vessel engaged in fishing, other than trawling, shall exhibit:

(i) two all-round lights in a vertical line, the upper being red and the lower white, or a shape consisting of two cones with apexes together in a vertical line one above the other; a vessel of less than 20 meters in length may instead of this shape exhibit a basket;

(ii) when there is outlying gear extending more than 150 meters horizontally from the vessel, an all-round white light or a cone apex upward in the direction of the gear; and

(iii) when making way through the water, in addition to the lights prescribed in this paragraph, sidelights and a sternlight.

(d) A vessel engaged in fishing in close proximity to other vessels engaged in fishing may exhibit the additional signals described in Annex II to these Rules.

(e) A vessel when not engaged in fishing shall not exhibit the lights or shapes prescribed in this Rule, but only those prescribed for a vessel of her length.

RULE 27

Vessels Not Under Command or Restricted in Their Ability To Maneuver

33 USC 2027.

(a) A vessel not under command shall exhibit:

(i) two all-round red lights in a vertical line where they can best be seen;

(ii) two balls or similar shapes in a vertical line where they can best be seen; and

(iii) when making way through the water, in addition to the lights prescribed in this paragraph, sidelights and a sternlight.

(b) A vessel restricted in her ability to maneuver, except a vessel engaged in minesweeping operations, shall exhibit:

(i) three all-round lights in a vertical line where they can best be seen. The highest and lowest of these lights shall be red and the middle light shall be white;

(ii) three shapes in a vertical line where they can best be seen. The highest and lowest of these shapes shall be balls and the middle one a diamond;

(iii) when making way through the water, masthead lights, sidelights and a sternlight, in addition to the lights prescribed in subparagraph (b)(i); and

(iv) when at anchor, in addition to the lights or shapes prescribed in subparagraphs (b) (i) and (ii), the light, lights or shapes prescribed in Rule 30.

(c) A vessel engaged in a towing operation which severely restricts the towing vessel and her tow in their ability to deviate from their course shall, in addition to the lights or shapes prescribed in subparagraphs (b) (i) and (ii) of this Rule, exhibit the lights or shape prescribed in Rule 24.

(d) A vessel engaged in dredging or underwater operations, when restricted in her ability to maneuver, shall exhibit the lights and shapes prescribed in subparagraphs (b) (i), (ii), and (iii) of this Rule and shall in addition, when an obstruction exists, exhibit:

(i) two all-round red lights or two balls in a vertical line to indicate the side on which the obstruction exists;

(ii) two all-round green lights or two diamonds in a vertical line to indicate the side on which another vessel may pass; and

(iii) when at anchor, the lights or shape prescribed by this paragraph, instead of the lights or shapes prescribed in Rule 30 for anchored vessels.

(e) Whenever the size of a vessel engaged in diving operations makes it impracticable to exhibit all lights and shapes prescribed in paragraph (d) of this Rule, the following shall instead be exhibited:

(i) Three all-round lights in a vertical line where they can best be seen. The highest and lowest of these lights shall be red and the middle light shall be white.

(ii) A rigid replica of the international Code flag "A" not less than 1 meter in height. Measures shall be taken to insure its all-round visibility.

(f) A vessel engaged in minesweeping operations shall, in addition to the lights prescribed for a power-driven vessel in Rule 23, exhibit three all-round green lights or three balls. One of these lights or shapes shall be exhibited near the foremast head and one at each end of the fore yard. These lights or shapes indicate that it is dangerous for another vessel to approach closer than 1,000 meters astern or 500 meters on either side of the minesweeper.

(g) A vessel of less than 12 meters in length, except when engaged in diving operations, is not required to exhibit the lights or shapes prescribed in this Rule.

(h) The signals prescribed in this Rule are not signals of vessels in distress and requiring assistance. Such signals are contained in Annex IV to these Rules.

33 USC 2028.

RULE 28

[Reserved]

RULE 29

Pilot Vessels

33 USC 2029.

(a) A vessel engaged on pilotage duty shall exhibit:

(i) at or near the masthead, two all-round lights in a vertical line, the upper being white and the lower red;

(ii) when underway, in addition, sidelights and a sternlight; and

(iii) when at anchor, in addition to the lights prescribed in subparagraph (i), the anchor light, lights, or shape prescribed in Rule 30 for anchored vessels.

(b) A pilot vessel when not engaged on pilotage duty shall exhibit the lights or shapes prescribed for a vessel of her length.

RULE 30

Anchored Vessels and Vessels Aground

(a) A vessel at anchor shall exhibit where it can best be seen: 33 USC 2030.

(i) in the fore part, an all-round white light or one ball; and

(ii) at or near the stern and at a lower level than the light prescribed in subparagraph (i), an all-round white light.

(b) A vessel of less than 50 meters in length may exhibit an all-round white light where it can best be seen instead of the lights prescribed in paragraph (a) of this Rule.

(c) A vessel at anchor may, and a vessel of 100 meters or more in length shall, also use the available working or equivalent lights to illuminate her decks.

(d) A vessel aground shall exhibit the lights prescribed in paragraph (a) or (b) of this Rule and in addition, if practicable, where they can best be seen:

(i) two all-round red lights in a vertical line; and

(ii) three balls in a vertical line.

(e) A vessel of less than 7 meters in length, when at anchor, not in or near a narrow channel, fairway, anchorage, or where other vessels normally navigate, shall not be required to exhibit the lights or shape prescribed in paragraphs (a) and (b) of this Rule.

(f) A vessel of less than 12 meters in length when aground shall not be required to exhibit the lights or shapes prescribed in subparagraphs (d) (i) and (ii) of this Rule.

(g) A vessel of less than 20 meters in length, when at anchor in a special anchorage area designated by the Secretary, shall not be required to exhibit the anchor lights and shapes required by this Rule.

RULE 31

Seaplanes

Where it is impracticable for a seaplane to exhibit lights and shapes of the characteristics or in the positions prescribed in the Rules of this Part she shall exhibit lights and shapes as closely similar in characteristics and position as is possible. 33 USC 2031.

PART D—SOUND AND LIGHT SIGNALS

RULE 32

Definitions

(a) The word "whistle" means any sound signaling appliance capable of producing the prescribed blasts and which complies with specifications in Annex III to these Rules. 33 USC 2032.

(b) The term "short blast" means a blast of about 1 second's duration.

(c) The term "prolonged blast" means a blast of from 4 to 6 seconds' duration.

RULE 33

Equipment for Sound Signals

33 USC 2033.

(a) A vessel of 12 meters or more in length shall be provided with a whistle and a bell and a vessel of 100 meters or more in length shall, in addition, be provided with a gong, the tone and sound of which cannot be confused with that of the bell. The whistle, bell and gong shall comply with the specifications in Annex III to these Rules. The bell or gong or both may be replaced by other equipment having the same respective sound characteristics, provided that manual sounding of the prescribed signals shall always be possible.

(b) A vessel of less than 12 meters in length shall not be obliged to carry the sound signaling appliances prescribed in paragraph (a) of this Rule but if she does not, she shall be provided with some other means of making an efficient sound signal.

RULE 34

Maneuvering and Warning Signals

33 USC 2034.

(a) When power-driven vessels are in sight of one another and meeting or crossing at a distance within half a mile of each other, each vessel underway, when maneuvering as authorized or required by these Rules:

(i) shall indicate that maneuver by the following signals on her whistle: one short blast to mean "I intend to leave you on my port side"; two short blasts to mean "I intend to leave you on my starboard side"; and three short blasts to mean "I am operating astern propulsion".

(ii) upon hearing the one or two blast signal of the other shall, if in agreement, sound the same whistle signal and take the steps necessary to effect a safe passing. If, however, from any cause, the vessel doubts the safety of the proposed maneuver, she shall sound the danger signal specified in paragraph (d) of this Rule and each vessel shall take appropriate precautionary action until a safe passing agreement is made.

(b) A vessel may supplement the whistle signals prescribed in paragraph (a) of this Rule by light signals:

(i) These signals shall have the following significance: one flash to mean "I intend to leave you on my port side"; two flashes to mean "I intend to leave you on my starboard side"; three flashes to mean "I am operating astern propulsion";

(ii) The duration of each flash shall be about 1 second; and

(iii) The light used for this signal shall, if fitted, be one all-round white or yellow light, visible at a minimum range of 2 miles, synchronized with the whistle, and shall comply with the provisions of Annex I to these Rules.

(c) When in sight of one another:

(i) a power-driven vessel intending to overtake another power-driven vessel shall indicate her intention by the following signals on her whistle: one short blast to mean "I intend to overtake you on your starboard side"; two short blasts to mean "I intend to overtake you on your port side"; and

(ii) the power-driven vessel about to be overtaken shall, if in agreement, sound a similar sound signal. If in doubt she shall sound the danger signal prescribed in paragraph (d).

(d) When vessels in sight of one another are approaching each other and from any cause either vessel fails to understand the intentions or actions of the other, or is in doubt whether sufficient action is being taken by the other to avoid collision, the vessel in doubt shall immediately indicate such doubt by giving at least five short and rapid blasts on the whistle. This signal may be supplemented by a light signal of at least five short and rapid flashes.

(e) A vessel nearing a bend or an area of a channel or fairway where other vessels may be obscured by an intervening obstruction shall sound one prolonged blast. This signal shall be answered with a prolonged blast by any approaching vessel that may be within hearing around the bend or behind the intervening obstruction.

(f) If whistles are fitted on a vessel at a distance apart of more than 100 meters, one whistle only shall be used for giving maneuvering and warning signals.

(g) When a power-driven vessel is leaving a dock or berth, she shall sound one prolonged blast.

(h) A vessel that reaches agreement with another vessel in a meeting, crossing, or overtaking situation by using the radiotelephone as prescribed by the Bridge-to-Bridge Radiotelephone Act (85 Stat. 165; 33 U.S.C. 1207), is not obliged to sound the whistle signals prescribed by this Rule, but may do so. If agreement is not reached, then whistle signals shall be exchanged in a timely manner and shall prevail.

RULE 35

Sound Signals in Restricted Visibility

33 USC 2035.

In or near an area of restricted visibility, whether by day or night, the signals prescribed in this Rule shall be used as follows:

(a) A power-driven vessel making way through the water shall sound at intervals of not more than 2 minutes one prolonged blast.

(b) A power-driven vessel underway but stopped and making no way through the water shall sound at intervals of not more than 2 minutes two prolonged blasts in succession with an interval of about 2 seconds between them.

(c) A vessel not under command; a vessel restricted in her ability to maneuver, whether underway or at anchor; a sailing vessel; a vessel engaged in fishing, whether underway or at anchor; and a vessel engaged in towing or pushing another vessel shall, instead of the signals prescribed in paragraphs (a) or (b) of this Rule, sound at intervals of not more than 2 minutes, three blasts in succession; namely, one prolonged followed by two short blasts.

(d) A vessel towed or if more than one vessel is towed the last vessel of the tow, if manned, shall at intervals of not more than 2 minutes sound four blasts in succession; namely, one prolonged followed by three short blasts. When practicable, this signal shall be made immediately after the signal made by the towing vessel.

(e) When a pushing vessel and a vessel being pushed ahead are rigidly connected in a composite unit they shall be regarded as a power-driven vessel and shall give the signals prescribed in paragraphs (a) or (b) of this Rule.

(f) A vessel at anchor shall at intervals of not more than 1 minute ring the bell rapidly for about 5 seconds. In a vessel of 100 meters or more in length the bell shall be sounded in the forepart of the vessel and immediately after the ringing of the bell the gong shall be sounded rapidly for about 5 seconds in the after part of the vessel. A vessel at anchor may in addition sound three blasts in succession; namely, one short, one prolonged and one short blast, to give warning of her position and of the possibility of collision to an approaching vessel.

(g) A vessel aground shall give the bell signal and if required the gong signal prescribed in paragraph (f) of this Rule and shall, in addition, give three separate and distinct strokes on the bell immediately before and after the rapid ringing of the bell. A vessel aground may in addition sound an appropriate whistle signal.

(h) A vessel of less than 12 meters in length shall not be obliged to give the above-mentioned signals but, if she does not, shall make some other efficient sound signal at intervals of not more than 2 minutes.

(i) A pilot vessel when engaged on pilotage duty may in addition to the signals prescribed in paragraphs (a), (b) or (f) of this Rule sound an identity signal consisting of four short blasts.

(j) The following vessels shall not be required to sound signals as prescribed in paragraph (f) of this Rule when anchored in a special anchorage area designated by the Secretary:

(i) a vessel of less than 20 meters in length; and

(ii) a barge, canal boat, scow, or other nondescript craft.

RULE 36

Signals To Attract Attention

33 USC 2036.

If necessary to attract the attention of another vessel, any vessel may make light or sound signals that cannot be mistaken for any signal authorized elsewhere in these Rules, or may direct the beam of her searchlight in the direction of the danger, in such a way as not to embarrass any vessel.

RULE 37

Distress Signals

33 USC 2037.

When a vessel is in distress and requires assistance she shall use or exhibit the signals described in Annex IV to these Rules.

PART E—EXEMPTIONS

RULE 38

Exemptions

33 USC 2038.

Any vessel or class of vessels, the keel of which is laid or which is at a corresponding stage of construction before the date of enactment of this Act, provided that she complies with the requirements of—

(a) The Act of June 7, 1897 (30 Stat. 96), as amended (33 U.S.C. 154-232) for vessels navigating the waters subject to that statute;

(b) Section 4233 of the Revised Statutes (33 U.S.C. 301-356) for vessels navigating the waters subject to that statute;

(c) The Act of February 8, 1895 (28 Stat. 645), as amended (33 U.S.C. 241-295) for vessels navigating the waters subject to that statute; or

(d) Sections 3, 4, and 5 of the Act of April 25, 1940 (54 Stat. 163), as amended (46 U.S.C. 526 b, c, and d) for motorboats navigating the waters subject to that statute; shall be exempted from compliance with the technical Annexes to these Rules as follows:

(i) the installation of lights with ranges prescribed in Rule 22, until 4 years after the effective date of these Rules, except that vessels of less than 20 meters in length are permanently exempt;

(ii) the installation of lights with color specifications as prescribed in Annex I to these Rules, until 4 years after the effective date of these Rules, except that vessels of less than 20 meters in length are permanently exempt;

(iii) the repositioning of lights as a result of conversion to metric units and rounding off measurement figures, are permanently exempt; and

(iv) the horizontal repositioning of masthead lights prescribed by Annex I to these Rules:

(1) on vessels of less than 150 meters in length, permanent exemption.

(2) on vessels of 150 meters or more in length, until 9 years after the effective date of these Rules.

(v) the restructuring or repositioning of all lights to meet the prescriptions of Annex I to these Rules, until 9 years after the effective date of these Rules;

(vi) power-driven vessels of 12 meters or more but less than 20 meters in length are permanently exempt from the provisions of Rule 23(a)(i) and 23(a)(iv) provided that, in place of these lights, the vessel exhibits a white light aft visible all round the horizon; and

(vii) the requirements for sound signal appliances prescribed in Annex III to these Rules, until 9 years after the effective date of these Rules.

Regulations.
33 USC 2071.

SEC. 3. The Secretary may issue regulations necessary to implement and interpret this Act. The Secretary shall establish the following technical annexes to these Rules: Annex I, Positioning and Technical Details of Lights and Shapes; Annex II, Additional Signals for Fishing Vessels Fishing in Close Proximity; Annex III, Technical Details of Sound Appliances; and Annex IV, Distress Signals. These annexes shall be as consistent as possible with the respective annexes to the International Regulations. The Secretary may establish other technical annexes, including local pilot rules.

Violations.
33 USC 2072.

SEC. 4. (a) Whoever operates a vessel in violation of this Act, or of any regulation issued thereunder, or in violation of a certificate of alternative compliance issued under Rule 1 is liable to a civil penalty of not more than $5,000 for each violation.

Civil penalties.

(b) Every vessel subject to this Act, other than a public vessel being used for noncommercial purposes, that is operated in violation of this Act, or of any regulation issued thereunder, or in violation of a certificate of alternative compliance issued under Rule 1 is liable to a civil penalty of not more than $5,000 for each violation, for which penalty the vessel may be seized and proceeded against in the district court of the United States of any district within which the vessel may be found.

(c) The Secretary may assess any civil penalty authorized by this section. No such penalty may be assessed until the person charged, or the owner of the vessel charged, as appropriate, shall have been given notice of the violation involved and an opportunity for a hearing. For good cause shown, the Secretary may remit, mitigate, or compromise any penalty assessed. Upon the failure of the person charged, or the owner of the vessel charged, to pay an assessed penalty, as it may have been mitigated or compromised, the Secretary may request the

Attorney General to commence an action in the appropriate district court of the United States for collection of the penalty as assessed, without regard to the amount involved, together with such other relief as may be appropriate.

(d) The Secretary of the Treasury shall withhold or revoke, at the request of the Secretary, the clearance, required by section 4197 of the Revised Statutes of the United States (46 U.S.C. 91) of any vessel, the owner or operator of which is subject to any of the penalties in this section. Clearance may be granted in such cases upon the filing of a bond or other surety satisfactory to the Secretary.

Rules of the Road Advisory Council. Establishment. 33 USC 2073.

SEC. 5. (a) The Secretary shall establish a Rules of the Road Advisory Council (hereinafter referred to as the Council) not exceeding 21 members. To assure balanced representation, members shall be chosen, insofar as practical, from the following groups: (1) recognized experts and leaders in organizations having an active interest in the Rules of the Road and vessel and port safety, (2) representatives of owners and operators of vessels, professional mariners, recreational boaters, and the recreational boating industry, (3) individuals with an interest in maritime law, and (4) Federal and State officials with responsibility for vessel and port safety. Additional persons may be appointed to panels of the Council to assist the Council in the performance of its functions.

(b) The Council shall advise, consult with, and make recommendations to the Secretary on matters relating to any major proposals for changes to the Inland Rules. The Council may recommend changes to the Inland Rules and International Regulations to the Secretary. Any advice or recommendation made by the Council to the Secretary shall reflect the independent judgment of the Council on the matter concerned. The Council shall meet at the call of the Secretary, but in any event not less than once during each calendar year. All proceedings of the Council shall be public, and a record of the proceedings shall be made available for public inspection.

(c) The Secretary shall furnish to the Council an executive secretary and such secretarial, clerical, and other services as are deemed necessary for the conduct of its business. Members of the Council who are not officers or employees of the United States shall, while attending meetings of the Council or while otherwise engaged in the business of the Council, be entitled to receive compensation at a rate fixed by the Secretary, not exceeding the daily equivalent of the current rate of basic pay in effect for GS-18 of the General Schedule under section 5332 of title 5, United States Code, including traveltime; and while away from their home or regular place of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code. Payments under this section shall not render members of the Council officers or employees of the United States for any purpose.

Termination.

(d) Unless extended by subsequent Act of Congress, the Council shall terminate 5 years from the date of enactment of this Act.

SEC. 6. The International Navigational Rules Act of 1977 (91 Stat. 308; 33 U.S.C. 1601), is amended as follows:

33 USC 1604.

(1) in section 5 by amending subsection (a) to read as follows:

"The International Regulations do not apply to vessels while in the waters of the United States shoreward of the navigational demarcation lines dividing the high seas from harbors, rivers, and other inland waters of the United States.";

33 USC 1605.

(2) in section 6, by adding a new subsection (d) as follows:

"(d) A certification authorized by this section may be issued for a class of vessels.";

(3) in subsection (a) of section 9 by striking "$500" and inserting in lieu thereof "$5,000". 33 USC 1608.

(4) in subsection (b) of section 9 by striking "$500" and inserting in lieu thereof "not more than $5,000".

SEC. 7. Sections 2, 4, 6(1), and 8(a) are effective 12 months after the date of enactment of this Act, except that on the Great Lakes, the effective date of sections 2 and 4 will be established by the Secretary. Section 5 is effective October 1, 1981. 33 USC 2001 note.

SEC. 8. (a) The laws specified in the following schedules are repealed. Any prior rights or liabilities existing under these laws are not affected by their repeal. Repeals. 33 USC 2001 note.

REVISED STATUTES

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Aug. 5	88-84		77	116
Oct. 30	88-163		77	281
1966: Nov. 5	89-764	1, 2, 5, 6	80	1313

(b) The following laws are repealed when the Secretary establishes an effective date under section 7. Repeals.

Date	Chapter	Statutes at Large, sections	Volume	Page
1895: Feb. 8	64		28	645
1928:				
May 17	600		45	592
May 17	601		45	593
1929: Feb. 28	370		45	1405
1932: May 9	175		47	152
1940: Apr. 22	128	2	54	150
1948: Mar. 18	138		62	82

Date	Public Law	Sections	Volume	Page
1958: Mar. 28	85-350		72	49
1966: Nov. 5	89-764	3, 4	80	1313

Sec. 9. Section 2(c) of the Act of February 19, 1895 (28 Stat. 672), as amended (33 U.S.C. 151), is amended by striking the words "the Canal Zone,".

Approved December 24, 1980.

LEGISLATIVE HISTORY:

SENATE REPORT No. 96-979 (Comm. on Commerce, Science, and Transportation).
CONGRESSIONAL RECORD, Vol. 126 (1980):
June 23, considered and passed House.
Sept. 30, considered and passed Senate, amended.
Nov. 19, House concurred in certain Senate amendments and disagreed to Senate amendment No. 70.
Dec. 8, Senate receded from its amendment No. 70.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 16, No. 52:
Dec. 24, Presidential statement.

Public Law 96-592
96th Congress

An Act

To amend the Farm Credit Act of 1971 to permit Farm Credit System institutions to improve their services to borrowers, and for other purposes.

Dec. 24, 1980
[S. 1465]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Farm Credit Act Amendments of 1980".

Farm Credit Act Amendments of 1980.
12 USC 2001 note.

TITLE I—FEDERAL LAND BANKS AND ASSOCIATIONS

SEC. 101. Section 1.4 of the Farm Credit Act of 1971 is amended by—

12 USC 2012.

(1) striking out in paragraph (6) "loans and" and inserting in lieu thereof "and participate in loans, make";

(2) inserting before the period at the end of paragraph (12) ", participate with one or more other Farm Credit System institutions in loans made under this title or other titles of this Act on the basis prescribed in section 4.18 of this Act, and participate with lenders which are not Farm Credit System institutions in loans that the bank is authorized to make under this title";

Post, p. 3446.

(3) inserting after "System" in the first sentence of paragraph (14) "or any insured State nonmember bank as defined in section 2 of the Federal Deposit Insurance Act";

(4) striking out everything after the second comma in paragraph (15) and inserting in lieu thereof "and, as may be authorized by its board of directors and approved by the Farm Credit Administration, (i) sell to lenders which are not Farm Credit System institutions interests in loans, (ii) buy from and sell to Farm Credit System institutions interests in loans and in other financial assistance extended and nonvoting stock, and (iii) make other investments."; and

(5) adding new paragraphs (22) and (23) as follows:

"(22) Accept contributions to its capital from Federal land bank associations and account therefor as authorized by the Farm Credit Administration.

"(23) As may be authorized by its board of directors and approved by the Farm Credit Administration, agree with other Farm Credit System institutions to share loan and other losses, whether to protect against capital impairment or for any other purpose.".

SEC. 102. Section 1.5 of the Farm Credit Act of 1971 is amended by—

12 USC 2013.

(1) striking out in subsection (b) "hypotheticated" and inserting in lieu thereof "hypothecated";

(2) striking out the first sentence of subsection (d) and inserting in lieu thereof two new sentences as follows: "Nonvoting stock may be issued to the Governor of the Farm Credit Administration, to borrowers as patronage refunds, and may also be issued to Federal land bank associations in amounts that will permit the bank to extend financial assistance to eligible persons other than farmers, ranchers, and producers or harvesters of aquatic products. Nonvoting stock also may be issued to and shall be

Nonvoting stock, issuance.

retired for other Farm Credit System institutions as may be authorized by its board of directors and approved by the Farm Credit Administration."; and

(3) adding new subsections (f) and (g) as follows:

Patronage refunds.

"(f) Patronage refunds may be paid in nonvoting stock, participation certificates, allocated surplus, and other equities of the bank, or cash, or in both equities and cash, as determined by the board of the bank, to borrowers of the fiscal year for which such patronage refunds are distributed. All patronage refunds shall be paid in the proportion that the amount of interest on the loans to each borrower during the year bears to the interest on the loans of all borrowers during the year or on such other proportionate patronage basis as the Farm Credit Administration may approve.

Equities, issuance.

"(g) Equities to evidence contributions to capital may be issued to Federal land bank associations when the bylaws of the bank so provide.".

12 USC 2014.

SEC. 103. Section 1.6 of the Farm Credit Act of 1971 is amended to read as follows:

"SEC. 1.6. REAL ESTATE MORTGAGE LOANS.—The Federal land banks are authorized to make or participate with other lenders in long-term real estate mortgage loans in rural areas, as defined by the Farm Credit Administration, or to producers or harvesters of aquatic products, and make continuing commitments to make such loans under specified circumstances, or extend other financial assistance of a similar nature to eligible borrowers, for a term of not less than five nor more than forty years.".

12 USC 2015.

SEC. 104. Section 1.7 of the Farm Credit Act of 1971 is amended by inserting before the period in the first sentence "as provided in section 4.17 of this Act".

Post, p. 3446.

12 USC 2016.

SEC. 105. Section 1.8 of the Farm Credit Act of 1971 is amended by striking out in clause (1) "and ranchers" and inserting in lieu thereof ", ranchers, or producers or harvesters of aquatic products".

Loan security. 12 USC 2017.

SEC. 106. Section 1.9 of the Farm Credit Act of 1971 is amended by striking out the first sentence and inserting in lieu thereof the following: "Loans originated by a Federal land bank or in which it participates with a lender which is not a Farm Credit System institution shall not exceed 85 per centum of the appraised value of the real estate security, or such greater amount, not to exceed 97 per centum of the appraised value of the real estate security, as may be authorized under regulations of the Farm Credit Administration for loans guaranteed by Federal, State, or other governmental agencies, and shall be secured by first liens on interest in real estate of such classes as may be approved by the Farm Credit Administration.".

12 USC 2018.

SEC. 107. Section 1.10 of the Farm Credit Act of 1971 is amended by striking out the first sentence and inserting in lieu thereof the following: "Loans made by the Federal land banks to farmers, ranchers, and producers or harvesters of aquatic products may be for any agricultural or aquatic purpose and other credit needs of the applicant, including financing for basic processing and marketing directly related to the applicant's operations and those of other eligible farmers, ranchers, and producers or harvesters of aquatic products: *Provided*, That the applicant's operations shall supply at least 20 per centum, or such larger per centum that is required by the board of directors of the bank under regulations of the Farm Credit Administration, of the total processing or marketing for which financing is extended.".

12 USC 2019.

SEC. 108. Section 1.11 of the Farm Credit Act of 1971 is amended by inserting "and aquatic" before "operations".

SEC. 109. Section 1.12 of the Farm Credit Act of 1971 is amended by striking out the designation "(a)". 12 USC 2020.

SEC. 110. Section 1.15 of the Farm Credit Act of 1971 is amended by— 12 USC 2033.

(1) striking out in paragraph (13) "shall";

(2) striking out in paragraph (14) "may" the second time it appears; and

(3) adding a new paragraph (21) as follows:

"(21) Contribute to the capital of the bank.".

SEC. 111. Section 1.16 of the Farm Credit Act of 1971 is amended by— 12 USC 2034.

(1) striking out in the sixth sentence of subsection (a) "fair"; and

(2) adding a new subsection (c) as follows:

"(c) Notwithstanding the provisions of subsection (a) of this section, the purchase of stock need not be required with respect to that part of any loan (1) made by a Federal land bank which it sells to a lender which is not a Farm Credit System institution, or (2) that such lender retains or acquires in participating in the loan with a Federal land bank.".

SEC. 112. Section 1.17 of the Farm Credit Act of 1971 is amended by— 12 USC 2051.

(1) striking out in the last sentence of subsection (a) "exess" and inserting in lieu thereof "excess"; and

(2) amending subsection (b) by inserting ", and pay patronage refunds, or do any of them, as provided in its bylaws," after "dividends", and striking out "with" and inserting in lieu thereof "the".

SEC. 113. Section 1.18(b) of the Farm Credit Act of 1971 is amended to read as follows: Dividends. 12 USC 2052.

"(b) Any association may declare a dividend or dividends and pay patronage refunds, or do any of them, as provided in its bylaws, out of the whole or any part of its net earnings available therefor which remain after (1) maintenance of the reserve required in subsection (a) of this section and (2) bank approval. All patronage refunds shall be paid on the proportionate patronage basis approved by the bank. Dividends shall be noncumulative, and the rate of dividends may be different between classes and issues of stock and participation certificates on the basis of the comparative contributions of the holders thereof to the capital or earnings of the Federal land bank by such classes and issues, but otherwise dividends shall be without preference.".

SEC. 114. Section 1.19 of the Farm Credit Act of 1971 is amended by adding at the end thereof a new sentence as follows: "As may be authorized by the bank in accordance with regulations of the Farm Credit Administration, associations also may enter into agreements with other Farm Credit System institutions to share loan and other losses, whether to protect against capital impairment or for any other purpose.". 12 USC 2053.

SEC. 115. Section 1.20 of the Farm Credit Act of 1971 is amended by inserting after "stock" the second time it appears "or participation certificates," and inserting "or other Farm Credit System institutions" after "Administration". 12 USC 2054.

TITLE II—FEDERAL INTERMEDIATE CREDIT BANKS AND PRODUCTION CREDIT ASSOCIATIONS

SEC. 201. Section 2.1 of the Farm Credit Act of 1971 is amended by— 12 USC 2072.

(1) inserting after "System" in the first sentence of paragraph (12) "or any insured State nonmember bank as defined in section 2 of the Federal Deposit Insurance Act";

(2) striking out in paragraph (13) everything after "agency" the second time it appears and inserting in lieu thereof ", and, as may be authorized by its board of directors and approved by the Farm Credit Administration, (i) buy from and sell to Farm Credit System institutions interests in loans and in other financial assistance extended and nonvoting stock, and (ii) make other investments.";

(3) amending paragraph (18) to read as follows:

"(18) As may be authorized by its board of directors and approved by the Farm Credit Administration, agree with other Farm Credit System institutions to share loan or other losses, whether to protect against capital impairment or for any other purposes,"; and

(4) inserting before the period at the end of paragraph (20) ", and participate with one or more other Farm Credit System institutions in loans made under this title or other titles of this Act on the basis prescribed in section 4.18 of this Act".

12 USC 2073. Sec. 202. Section 2.2 of the Farm Credit Act of 1971 is amended by—

(1) inserting before the period at the end of the first sentence of subsection (d) ", and may be issued to and, notwithstanding the provisions of subsection (g) of this section, shall be retired for other Farm Credit System institutions as may be authorized by its board of directors and approved by the Farm Credit Administration";

(2) striking out in the second and fourth paragraphs of subsection (g) "fair";

(3) striking out everything through "Governor" in subsection (h) and inserting in lieu thereof "Except with regard to stock or participation certificates held by the Governor or other Farm Credit System institutions"; and

(4) striking out in subsection (i) "fair".

12 USC 2074. Sec. 203. Section 2.3 of the Farm Credit Act of 1971 is amended to read as follows:

"Sec. 2.3. Loans; Discounts; Participation; Leasing.—(a) The Federal intermediate credit banks are authorized to make loans and extend other similar financial assistance to, and to discount for or purchase from—

"(1) any production credit association, or

"(2) any national bank, State bank, trust company, agricultural credit corporation, incorporated livestock loan company, savings institution, credit union, or any association of agricultural producers engaged in the making of loans to farmers and ranchers, and any corporation engaged in the making of loans to producers or harvesters of aquatic products,

any note, draft, or other obligation with its endorsement or guarantee, the proceeds of which note, draft, or other obligation have been advanced to persons and for purposes eligible for financing by production credit associations under section 2.15(a) (1), (2), and (3) of this Act.

12 USC 2096.

"(b) The Federal intermediate credit banks may participate with one or more production credit associations or intermediate credit banks in the making of loans to eligible borrowers and may participate with one or more other Farm Credit System institutions in loans made under this title or other titles of this Act on the basis prescribed in section 4.18 of this Act. The banks may own and lease or lease with

Post, p. 3446.

option to purchase to persons eligible for assistance under this title, equipment needed in the operations of such persons.

"(c) No paper shall be purchased from or discounted for, and no loans shall be made or other similar financial assistance extended by a Federal intermediate credit bank to any entity identified in subsection (a) (1) and (2) of this section if the amount of such paper added to the aggregate liabilities of such entity, whether direct or contingent (other than bona fide deposit liabilities), exceeds ten times the paid-in and unimpaired capital and surplus of such entity or (in the case of financing institutions under subsection (a)(2) of this section) the amount of such liabilities permitted under the laws of the jurisdiction creating such institution, whichever is the lesser. It shall be unlawful for any national bank which is indebted to any Federal intermediate credit bank, upon paper discounted or purchased under subsection (a) of this section, to incur any additional indebtedness, if by virtue of such additional indebtedness its aggregate liabilities direct or contingent, will exceed the limitation herein contained.

"(d) All of the loans, financial assistance, discounts, and purchases authorized by this section shall be subject to regulations of the Farm Credit Administration and shall be secured by collateral, if any, as may be required in such regulations. The regulations shall assure that such loans, financial assistance, discounts, and purchases are available on a reasonable basis to any financing institution authorized to receive such services under subsection (a)(2) of this section that (i) is significantly involved in lending for agricultural or aquatic purposes, (ii) demonstrates a continuing need for supplementary sources of funds to meet the credit requirements of its agricultural or aquatic borrowers, (iii) has limited access to national or regional capital markets, and (iv) does not use such services to expand its financing activities to persons and for purposes other than those authorized in section 2.15(a) (1), (2), and (3) of this Act. The regulations may authorize a Federal intermediate credit bank to charge reasonable fees for any commitment to extend service under this section to such a financing institution. For purposes of this subsection, a financing institution together with its subsidiaries and affiliates may be considered as one but such determination to consider such institution together with its subsidiaries and affiliates as one shall be made in the first instance by the bank and in the event of a denial by the bank of its services to a financial institution, thereafter by the Farm Credit Administration on a case-by-case basis with due regard to the total relationship of the financing institution, its subsidiaries, and affiliates.

12 USC 2096.

"(e) Nothing in this section shall require termination of discount relationships in existence on the effective date of the Farm Credit Act Amendments of 1980.".

12 USC 2075.

Ante, p. 3440.

SEC. 204. Section 2.4 of the Farm Credit Act of 1971 is amended by striking out the first sentence and inserting in lieu thereof the following: "Loans, advances, or discounts made under section 2.3 of this Act shall be repayable in not more than seven years (fifteen years if made to producers or harvesters of aquatic products) from the time they are made or discounted by the Federal intermediate credit bank, except that the district farm credit board, under regulations of the Farm Credit Administration, may approve policies permitting loans, advances, or discounts (other than those made to producers or harvesters of aquatic products) to be repayable in not more than ten years from the time they are made or discounted by such bank. Loans, advances, and discounts shall bear such rate or rates of interest or discount as the board of directors of the bank shall from time to time determine with the approval of the Farm Credit Administration as provided in section 4.17 of this Act, but the rates charged financing institutions shall be the same as those charged production credit associations.".

12 USC 2076. SEC. 205. Section 2.5 of the Farm Credit Act of 1971 is amended by inserting "and aquatic" after "on-farm".

12 USC 2077. SEC. 206. Section 2.6(c) of the Farm Credit Act of 1971 is amended by striking out "of less than 25 per centum" in the second sentence.

12 USC 2091. SEC. 207. Section 2.10 of the Farm Credit Act of 1971 is amended by striking out the comma after "States" in the first sentence and inserting in lieu thereof a period.

12 USC 2093. SEC. 208. Section 2.12 of the Farm Credit Act of 1971 is amended by—

(1) inserting before the period at the end of paragraph (11) "and buy from and sell to such banks interests in loans and in other financial assistance extended and nonvoting stock, as may be authorized by the Federal intermediate credit bank in accordance with regulations of the Farm Credit Administration";

(2) inserting before the period at the end of paragraph (13) "and when authorized by the bank participate with one or more other Farm Credit System institutions in loans made under this title or other titles of this Act on the basis prescribed in section 4.18 of this Act"; and

Post, p. 3446.

(3) amending paragraph (15) to read as follows:

"(15) As may be authorized by the Federal intermediate credit bank in accordance with regulations of the Farm Credit Administration, agree with other Farm Credit System institutions to share loan or other losses, whether to protect against capital impairment or for any other purpose.".

12 USC 2094. SEC. 209. Section 2.13 of the Farm Credit Act of 1971 is amended by—

(1) inserting before the period at the end of subsection (e) "or in lieu of nonvoting stock";

(2) striking out in the first sentence of subsection (f) "fair";

(3) amending the last sentence of subsection (f) to read as follows: "Notwithstanding any other provisions of this section, for a loan in which an association participates with a commercial bank or other financial institution other than a Farm Credit System institution, nonvoting stock or participation certificates may be issued to the commercial bank or other financial institution in satisfaction of the requirement that the borrower own stock or participation certificates, which requirement shall apply only to the portion of the loan which is retained by the association.";

(4) striking out in the first sentence in subsection (g) "fair";

(5) striking out everything through "Governor" in subsection (j) and inserting in lieu thereof "Except with regard to stock or participation certificates held by the Governor or other Farm Credit System institutions"; and

(6) striking out in subsection (k) "fair".

12 USC 2096. SEC. 210. Section 2.15 of the Farm Credit Act of 1971 is amended by—

(1) amending clause (1) in the first sentence of subsection (a) to read as follows: "(1) bona fide farmers and ranchers and the producers or harvesters of aquatic products, for agricultural or aquatic purposes and other requirements of such borrowers, including financing for basic processing and marketing directly related to the borrower's operations and those of other eligible

farmers, ranchers, and producers or harvesters of aquatic products: *Provided*, That the borrower's operations shall supply at least 20 per centum, or such larger per centum that is required by the supervising bank under regulations of the Farm Credit Administration, of the total processing or marketing for which financing is extended,"; and

(2) inserting in subsection (b) after "Administration" in the first sentence "as provided in section 4.17 of this Act".

SEC. 211. Section 2.16 of the Farm Credit Act of 1971 is amended by inserting "and aquatic" after "on-farm". 12 USC 2097.

TITLE III—BANKS FOR COOPERATIVES

SEC. 301. Section 3.1 of the Farm Credit Act of 1971 is amended by— 12 USC 2122.

(1) inserting before the period at the end of paragraph (11) ", and participate with one or more other Farm Credit System institutions in loans made under this title or other titles of this Act on the basis prescribed in section 4.18 of this Act"; *Post*, p. 3446.

(2) inserting after "System" in the first sentence in paragraph (12) "or any insured State nonmember bank as defined in section 2 of the Federal Deposit Insurance Act or, to the extent necessary to facilitate transactions which may be financed under section 3.7(b) of this Act, any other financial organization, domestic or foreign, as may be authorized by its board of directors and approved by the Farm Credit Administration";

12 USC 264 note, 1811-1831.

Post, p. 3444.

(3) amending paragraph (13) by:

(a) inserting immediately after "(13)" the designation "(A)";

(b) inserting after subparagraph (A) the following new subparagraphs (B) and (C):

"(B) As may be authorized by its board of directors and approved by the Farm Credit Administration, buy from and sell to Farm Credit System institutions interests in loans and in other financial assistance extended and nonvoting stock.

"(C) As may be authorized by its board of directors and approved by the Farm Credit Administration, and solely for the purposes of obtaining credit information and other services needed to facilitate transactions which may be financed under section 3.7(b) of this Act, invest in ownership interests in foreign business entities that are principally engaged in providing credit information to and performing such servicing functions for their members in connection with the members' international activities."; and

(4) adding new paragraphs (18) and (19) as follows:

"(18) As may be authorized by the board of directors and approved by the Farm Credit Administration, maintain credit balances and pay or receive fees or interest thereon, for the purpose of assisting in the transfer of funds to or from parties to transactions that may be financed under section 3.7(b) of this Act: *Provided, however*, That nothing herein shall authorize the banks for cooperatives to engage in the business of accepting domestic deposits.

"(19) As may be authorized by its board of directors and approved by the Farm Credit Administration, agree with other Farm Credit System institutions to share loan or other losses, whether to protect against capital impairment or for any other purpose.".

SEC. 302. Section 3.3 of the Farm Credit Act of 1971 is amended by adding a new subsection (f) as follows: 12 USC 2124.

"(f) Participation certificates may be issued to parties to whom voting stock may not be issued.".

12 USC 2126.

SEC. 303. Section 3.5 of the Farm Credit Act of 1971 is amended by—

(1) striking out the first three sentences and inserting in lieu thereof three new sentences as follows: "Any nonvoting stock held by the Governor of the Farm Credit Administration shall be retired to the extent required by section 4.0(b) of this Act before any other outstanding voting or nonvoting stock or participation certificates shall be retired except as may be otherwise authorized by the Farm Credit Administration. When those requirements have been satisfied, nonvoting investment stock and participation certificates may be called for retirement at par. With the approval of the issuing bank, the holder may elect not to have the called stock or participation certificates retired in response to a call, reserving the right to have such stock or participation certificates included in the next call for retirement."; and

12 USC 2151.

(2) striking out in the fourth sentence "fair book value not exceeding".

12 USC 2128.

SEC. 304. Section 3.7 of the Farm Credit Act of 1971 is amended by—

(1) adding the designation "(a)" before the text, and inserting before "collateral custody" in the first sentence, "currency exchange necessary to service individual transactions that may be financed under subsection (b) of this section,", and inserting before the period at the end of the third sentence "and may make or participate in loans or commitments and extend other technical and financial assistance to other domestic parties for the acquisition of equipment and facilities to be leased to such stockholders for use in their operations in the United States"; and

Lending powers.

(2) adding new subsections (b), (c), (d), and (e) as follows:

"(b) A bank for cooperatives is authorized to make or participate in loans and commitments to, and to extend other technical and financial assistance to (1) a domestic or foreign party with respect to its transactions with an association that is a voting stockholder of the bank for the export or import of agricultural commodities, farm supplies, or aquatic products through purchases, sales or exchanges, and (2) a domestic or foreign party in which such an association has at least the minimum ownership interest approved under regulations of the Farm Credit Administration for the purpose of facilitating the association's export or import operations of the type described in clause (1) of this subsection: *Provided,* That a bank for cooperatives determines, under regulations of the Farm Credit Administration, that the voting stockholder will benefit substantially as a result of such loan, commitment, or assistance.

"(c) Loans, commitments, and assistance authorized by subsection (b) of this section shall be extended in accordance with policies adopted by the board of directors of the bank under regulations of the Farm Credit Administration.

"(d) The regulations of the Farm Credit Administration implementing subsection (b) of this section and the other provisions of this title relating to the authority under subsection (b) of this section may not confer upon the banks for cooperatives powers and authorities greater than those specified in this title. The Farm Credit Administration shall, during the formulation of such regulations, closely consult on a continuing basis with the Board of Governors of the Federal Reserve System to ensure that such regulations conform to national banking policies, objectives, and limitations.

"(e) Notwithstanding any other provision of this title, the banks for cooperatives shall not make or participate in loans or commitments for the purpose of financing speculative futures transactions by eligible borrowers in foreign currencies.".

SEC. 305. Section 3.8 of the Farm Credit Act of 1971 is amended by— 12 USC 2129.

(1) in the first paragraph striking out the second comma and inserting "or aquatic" before "business";

(2) striking out in subsection (c) "or farm business services" and inserting in lieu thereof "farm or aquatic business services, or services to eligible cooperatives"; and

(3) amending subsection (d) to read as follows:

"(d) A percentage of the voting control of the association not less than 80 per centum (60 per centum (1) in the case of rural electric, telephone, public utility, and service cooperatives; (2) in the case of local farm supply cooperatives that have historically served needs of the community that would not adequately be served by other suppliers and have experienced a reduction in the percentage of farmer membership due to changed circumstances beyond their control such as, but not limited to, urbanization of the community; and (3) in the case of local farm supply cooperatives that provide or will provide needed services to a community and that are or will be in competition with a cooperative specified in paragraph (2)) or, with respect to any type of association or cooperative, such higher percentage as established by the district board, is held by farmers, producers or harvesters of aquatic products, or eligible cooperative associations as defined herein;".

SEC. 306. Section 3.9(a) of the Farm Credit Act of 1971 is amended by striking out the first sentence and inserting in lieu thereof a new sentence as follows: "Each borrower entitled to hold voting stock shall, at the time a loan is made by a bank for cooperatives, own at least one share of voting stock and shall be required by the bank with the approval of the Farm Credit Administration to invest in additional voting stock or nonvoting investment stock at that time, or from time to time, as the lending bank may determine, but the requirement for investment in stock at the time the loan is closed shall not exceed an amount equal to 10 per centum of the face amount of the loan.". 12 USC 2130.

SEC. 307. Section 3.10 of the Farm Credit Act of 1971 is amended by— 12 USC 2131.

(1) inserting before the period in the first sentence of subsection (a) "as provided in section 4.17 of this Act"; and

(2) striking out in the first sentence of subsection (d) "book" and inserting in lieu thereof "market" and adding a new sentence as follows: "In no event shall the bank's equities be retired or canceled if the retirement or cancellation would adversely affect the bank's capital structure, as determined by the Farm Credit Administration.".

SEC. 308. Section 3.11 of the Farm Credit Act of 1971 is amended by— 12 USC 2132.

(1) striking out in the second sentence of subsection (b) "of less than 25 per centum" and "of not to exceed such per centum of net savings"; and

(2) striking out the first sentence of subsection (c) and inserting in lieu thereof a new sentence as follows: "The net savings of each district bank for cooperatives, after the earnings for the fiscal year have been applied in accordance with subsection (a) or (b) of this section, whichever is applicable, shall be paid in stock, participation certificates, or cash, or in any of them, as determined by its board, as patronage refunds to borrowers to whom

such refunds are payable who are borrowers of the fiscal year for which such patronage refunds are distributed.".

TITLE IV—PROVISIONS APPLICABLE TO TWO OR MORE CLASSES OF INSTITUTIONS OF THE SYSTEM

12 USC 2156.

SEC. 401. Section 4.5 of the Farm Credit Act of 1971 is amended by—

(1) striking out in the first sentence "presidents of each bank" and inserting in lieu thereof "president of each bank or the president's designee"; and

(2) striking out in the third sentence "subcommittee's" and inserting in lieu thereof "subcommittees".

12 USC 2181.

SEC. 402. Section 4.10 of the Farm Credit Act of 1971 is amended by striking out "name" and inserting in lieu thereof "same".

SEC. 403. Title IV of the Farm Credit Act of 1971 is amended by adding new sections 4.17, 4.18, 4.19, and 4.20 as follows:

12 USC 2205.

"SEC. 4.17. INTEREST RATES.—Interest rates on loans from institutions of the Farm Credit System shall be determined with the approval of the Farm Credit Administration as provided in this Act, notwithstanding any interest rate limitation imposed by any State constitution or statute or other laws which are hereby preempted for purposes of this Act. Interest rates on loans made by agricultural credit corporations organized in conjunction with cooperative associations for the purpose of financing the ordinary crop operations of the members of such associations or other producers and eligible to discount with the Federal intermediate credit banks pursuant to section 2.3 of this Act shall be exempt from any interest rate limitation imposed by any State constitution or statute or other laws which are hereby preempted for purposes of this Act.

Ante, p. 3440.

12 USC 2206.

"SEC. 4.18. PARTICIPATION LOANS.—Notwithstanding any other provisions of this Act, the terms of any loan participated in by two or more Farm Credit System institutions operating under different titles of this Act, including provisions for capitalization of the portion of the loan participated in by each institution, shall be as may be agreed upon among such institutions and authorized by the Farm Credit Administration, except that for purposes of determining borrower eligibility, membership, term, amount, loan security, and purchase of stock or participation certificates by the borrower, the provisions of law applicable to the loan shall be the provisions in the title under which the institution that originates the loan operates.

12 USC 2207.

"SEC. 4.19. YOUNG, BEGINNING, AND SMALL FARMERS AND RANCHERS.—

"(a) Under policies of the district board, each Federal land bank association and production credit association shall prepare a program for furnishing sound and constructive credit and related services to young, beginning, and small farmers and ranchers. Such programs shall assure that such credit and services are available in coordination with other units of the Farm Credit System serving the territory and with other governmental and private sources of credit. Each program shall be subject to review and approval by the supervising bank.

"(b) The Federal land bank and the Federal intermediate credit bank for each district shall annually obtain from associations under their supervision reports of activities under programs developed pursuant to subsection (a) of this section and progress toward program objectives. On the basis of such reports, the banks shall provide to the Farm Credit Administration a joint annual report summarizing the operations and achievements in their district under such programs.

"SEC. 4.20. TERMINATION OF PROVISIONS.—The provisions of (1) section 2.3 authorizing the Federal intermediate credit banks to lend to or discount paper for other financial institutions, and (2) section 3.7(b) authorizing the financing of certain domestic or foreign entities in connection with the import or export activities of cooperatives which are borrowers from the banks for cooperatives, shall expire on September 30, 1990, unless extended by Act of Congress prior to that date. Any contract or agreement entered into under the authority of either provision prior to its expiration shall remain in full force and effect notwithstanding such expiration.". 12 USC 2208. *Ante*, p. 3440. *Ante*, p. 3444.

SEC. 404. Title IV of the Farm Credit Act of 1971 is amended by adding at the end thereof new parts D and E as follows:

"PART D—SERVICE ORGANIZATIONS

"SEC. 4.25. ESTABLISHMENT.—Any bank of the Farm Credit System, or two or more of such banks acting together, may organize a corporation or corporations for the purpose of performing functions and services for or on behalf of the organizing bank or banks that the bank or banks may perform pursuant to this Act: *Provided*, That a corporation so organized shall have no authority either to extend credit or provide insurance services for borrowers from Farm Credit System institutions, nor shall it have any greater authority with respect to functions and services than the organizing bank or banks possess under this Act. The organizing bank or banks shall apply for a Federal charter for the corporation by forwarding to the Governor of the Farm Credit Administration a statement of the need for the corporation and proposed articles specifying in general terms the objectives for which the corporation is formed, the powers to be exercised by it in carrying out the functions and services, and the territory it is to serve. The Governor for good cause may deny the charter applied for. Upon the approval of articles by the Governor and the issuance of a charter, the corporation shall become as of such date a federally chartered body corporate and an instrumentality of the United States. 12 USC 2211.

"SEC. 4.26. POWERS OF THE GOVERNOR.—The Governor shall have power, under rules and regulations prescribed by the Governor or by prescribing in the terms of the charter or by approval of the bylaws of the corporation, to provide for the organization of any corporation chartered under this part and the territory within which its operations may be carried on, and to direct at any time such changes in its charter as he finds necessary for the accomplishment of the purposes of this Act. The powers of the Governor to provide for the organization of any corporation chartered under this part include, but are not limited to approval of— 12 USC 2212.

"(1) corporate title;

"(2) general corporate powers;

"(3) eligibility for membership on, and the powers, composition, selection, terms, and compensation of the board of directors;

"(4) classes, issuance, value, and retirement of stock;

"(5) sources of operating funds;

"(6) dissolution, liquidation, and distribution of assets on liquidation; and

"(7) application and distribution of earnings.

"SEC. 4.27. SUPERVISION AND EXAMINATION.—The corporations organized under this part shall be institutions of the Farm Credit 12 USC 2213.

System and shall be subject to the same supervision and examination by the Farm Credit Administration as are the organizing bank or banks under this Act.

12 USC 2214.

"SEC. 4.28. STATE LAWS.—State and other laws shall apply to corporations organized pursuant to this part to the same extent such laws would apply to the organizing banks engaged in the same activity in the same jurisdiction: *Provided, however,* That to the extent that sections 1.21, 2.8, and 3.13 of this Act may exempt banks of the Farm Credit System from taxation, such exemptions, other than with respect to franchise taxes, shall not extend to corporations organized pursuant to this part.

12 USC 2055, 2079, 2134.

"PART E—SALE OF INSURANCE

12 USC 2218.

"SEC. 4.29. LINES OF INSURANCE.—(a) The regulations of the Farm Credit Administration governing financially related services that the banks and associations of the Farm Credit System may provide under sections 1.11, 1.15, 2.5, and 2.16 of this Act may authorize the sale to any member of any such bank or association, on an optional basis, of credit or term life and credit disability insurance appropriate to protect the loan commitment in the event of death or disability of the debtors and other insurance necessary to protect the member's farm or aquatic unit, but limited to, hail and multiple-peril crop insurance, title insurance, and insurance to protect the facilities and equipment of aquatic borrowers.

12 USC 2019, 2033, 2076, 2097.

Regulations.

"(b) Such regulations shall provide that—

"(1) in any case in which insurance is required as a condition for a loan or other financial assistance from a bank or association, notice be given that it is not necessary to purchase the insurance from the bank or association and that the borrower has the option of obtaining the insurance elsewhere;

"(2) such insurance services may be offered only if—

"(i) the bank or association has the capacity to render insurance service under this Act in an effective and efficient manner;

"(ii) there exists the probability that any insurance program under this Act will generate sufficient revenue to cover all costs; and

"(iii) rendering insurance service will not have an adverse effect on the bank's or association's credit or other operations; and

"(3) no bank or association shall directly or indirectly discriminate in any manner against any agent, broker, or insurer that is not affiliated with such bank or association, or against any party who purchases insurance through any such nonaffiliated insurance agent, broker, or insurer.

Existing coverage, continuation.

"(c) Notwithstanding any provision of this section to the contrary, any bank or association that on the date of enactment of the Farm Credit Act Amendments of 1980, is offering insurance coverages not authorized by this section may continue to sell such coverages for a period of not more than one year from such date of enactment and may continue to service such coverages until their expiration.".

TITLE V—DISTRICT AND FARM CREDIT ADMINISTRATION ORGANIZATION

Virgin Islands, extension of credit and services. 12 USC 2221.

SEC. 501. Section 5.0 of the Farm Credit Act of 1971 is amended by inserting before the period at the end of the first sentence the following: "and one of which districts may, if authorized by the Federal Farm Credit Board, include the Virgin Islands of the United States: *Provided,* That the extension of credit and other services authorized by this Act in the Virgin Islands of the United States shall be undertaken only if determined to be feasible under regulations of the Farm Credit Administration".

12 USC 2223.

Sec. 502. Section 5.2 of the Farm Credit Act of 1971 is amended by—

(1) striking out in the last sentence of subsection (b) "three" and inserting in lieu thereof "two"; and

(2) striking out in the first sentence of subsection (c) "three" and inserting in lieu thereof "two".

12 USC 2242.

Sec. 503. Section 5.8(h) of the Farm Credit Act of 1971 is amended by striking out in the first sentence "the sum of $100 a day" and inserting in lieu thereof "compensation at a rate equal to the daily equivalent of the rate prescribed for grade GS-18 under section 5332 of title 5 of the United States Code".

12 USC 2244.

12 USC 2153.

Sec. 504. Section 5.10 of the Farm Credit Act of 1971 is amended by inserting after the second sentence a new sentence as follows: "Pursuant to a policy statement adopted by the Federal Farm Credit Board, the Governor of the Farm Credit Administration shall consult on a regular basis with the Secretary of the Treasury in connection with the exercise by the System and the Governor of the powers conferred under section 4.2 of this Act, and with the Board of Governors of the Federal Reserve System in connection with the effect of System lending activities on national monetary policy.".

Property disposal.
12 USC 2249.

12 USC 2250.

Sec. 505. Section 5.15 of the Farm Credit Act of 1971 is amended by adding at the end thereof a new sentence as follows: "The Farm Credit Administration may dispose of property so acquired and any amounts collected from the disposition of such property shall be deposited in the special fund provided for in section 5.16(b) of this Act and shall be available to the Administration in the same manner and for the same purposes as the funds collected under section 5.16(a) of this Act."

Property interests, sale and disposal.
12 USC 2251.

Sec. 506. Section 5.17 of the Farm Credit Act of 1971 is amended by adding at the end thereof the following new clause (5) and inserting a new sentence immediately thereafter:

"(5) To sell or otherwise dispose of any interest in property leased or acquired under the foregoing if authorized by the Board.

In actions undertaken by the banks pursuant to the foregoing provisions of this section, the Farm Credit Administration may act as agent for the banks.".

Annual reports.
12 USC 2252.

Ante, p. 3446.

Sec. 507. Section 5.18 of the Farm Credit Act of 1971 is amended by adding at the end of paragraph (3) a new sentence as follows: "The annual reports shall include a summary and analysis of the reports submitted to the Farm Credit Administration by the Federal land banks and Federal intermediate credit banks under section 4.19(b) of this Act relating to programs for serving young, beginning, and small farmers and ranchers.".

Proposed and final regulations.
12 USC 2252.
Transmittal to congressional committees.

Sec. 508. Section 5.18 of the Farm Credit Act of 1971 is amended by inserting "(a)" immediately after the section designation and adding at the end thereof the following new subsections (b) and (c):

"(b)(1) At least thirty days prior to publishing any proposed regulation in the Federal Register, the Farm Credit Administration shall transmit a copy of the regulation to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate. The Farm Credit Administration shall also transmit to such committees a copy of any final regulation prior to its publication in the Federal Register.

Except as provided in paragraph (2) of this subsection, no final regulation of the Farm Credit Administration shall become effective prior to the expiration of thirty calendar days after it is published in the Federal Register during which either or both Houses of the Congress are in session.

Emergency effective date.

"(2) In the case of an emergency, a final regulation of the Farm Credit Administration may become effective without regard to the last sentence of paragraph (1) of this subsection if the Farm Credit Administration notifies in writing the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate setting forth the reasons why it is necessary to make the regulation effective prior to the expiration of the thirty-day period.

Transmittal to Congress.
Congressional approval.
Ante, p. 3444.
12 USC 2121.
Ante, p. 3440.

"(c)(1) If there are any unresolved differences between the Farm Credit Administration and the Board of Governors of the Federal Reserve System as to whether any regulation implementing section 3.7(b) of this Act or the other provisions of title III relating to the authority under section 3.7(b) conforms to national banking policies, objectives, and limitations, simultaneously with promulgation of any such regulation under this Act, and simultaneously with promulgation of any regulation implementing section 2.3 of this Act, the Farm Credit Administration shall transmit a copy thereof to the Secretary of the Senate and the Clerk of the House of Representatives. Except as provided in paragraph (2), the regulation shall not become effective if, within ninety calendar days of continuous session of Congress after the date of promulgation, both Houses of Congress adopt a concurrent resolution, the matter after the resolving clause of which is as follows: 'That Congress disapproves the regulation promulgated by the Farm Credit Administration dealing with the matter of , which regulation was transmitted to Congress on ', the blank spaces therein being appropriately filled.

"(2) If at the end of sixty calendar days of continuous session of Congress after the date of promulgation of a regulation, no committee of either House of Congress has reported or been discharged from further consideration of a concurrent resolution disapproving the regulation, and neither House has adopted such a resolution, the regulation may go into effect immediately. If, within such sixty calendar days, such a committee has reported or been discharged from further consideration of such a resolution, or either House has adopted such a resolution, the regulation may go into effect not sooner than ninety calendar days of continuous session of Congress after its promulgation unless disapproved as provided in paragraph (1).

"(3) For the purposes of paragraphs (1) and (2) of this subsection—

"(i) continuity of session is broken only by an adjournment of Congress sine die; and

"(ii) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of sixty and ninety calendar days of continuous session of Congress.

"(4) Congressional inaction on or rejection of a resolution of disapproval shall not be deemed an expression of approval of such regulation.".

SEC. 509. Title V of the Farm Credit Act of 1971 is amended by adding the following section at the end thereof:

12 USC 2260.

"SEC. 5.30. GENERAL ACCOUNTING OFFICE AUDIT: REPORT TO CONGRESS.—

"(a) The Comptroller General shall conduct an evaluation of the programs and activities authorized under the 1980 amendments to this Act, and shall make an interim report to the Congress no later than December 31, 1982, and a final report to the Congress no later than December 31, 1984. The Comptroller General shall include in such evaluation the effect that this Act, as amended, will have on agricultural credit services provided by the Farm Credit System, Federal agencies, and other entities. The Comptroller General may make such interim reports to the Congress on the programs and activities under these amendments as the Comptroller General deems necessary or as requested by Members of Congress.

"(b) For the purpose of conducting program evaluations required in subsection (a) of this section, the Comptroller General or his duly authorized representatives shall have access to and the right to examine all books, documents, papers, records, or other recorded information within the possession or control of the Federal land banks and Federal land bank associations, Federal intermediate credit banks and production credit associations and banks for cooperatives.".

SEC. 510. Paragraph (1) of section 1141b of title 12 of the United States Code is amended to read as follows:

"(1) shall maintain its principal office within the Washington, D.C.-Maryland-Virginia standard metropolitan statistical area, and such other offices in the United States as in its judgment are necessary".

SEC. 511. Section 3 of the Swine Health Protection Act (Public Law 96-468, approved October 17, 1980) is amended by—

Ante, p. 2229.

(1) striking "and" at the end of clause (2);

(2) changing the period at the end of clause (3) to a semicolon and adding "and"; and

(3) inserting a new clause (4) reading as follows:

"(4) the term 'State' means the fifty States, the District of Columbia, Guam, Puerto Rico, the Virgin Islands of the United States, American Samoa, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States.".

Approved December 24, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1287 accompanying H.R. 7548 (Comm. on Agriculture).
SENATE REPORT No. 96-837 (Comm. on Agriculture, Nutrition, and Forestry).
CONGRESSIONAL RECORD, Vol. 126 (1980):
  July 24, considered and passed Senate.
  Nov. 19, H.R. 7548 considered and passed House; passage vacated and S. 1465, amended, passed in lieu.
  Dec. 13, Senate agreed to House amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 16, No. 52:
  Dec. 24, Presidential statement.

Public Law 96-593
96th Congress

An Act

Dec. 24, 1980
[H.R. 4774]

To amend the National Labor Relations Act to provide that any employee who is a member of a religion or sect historically holding conscientious objection to joining or financially supporting a labor organization shall not be required to do so.

National Labor Relations Act, amendment.
29 USC 169.
Labor unions, conscientious objectors.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 19 of the National Labor Relations Act be replaced by a new section 19 as follows:

"SEC. 19. Any employee who is a member of and adheres to established and traditional tenets or teachings of a bona fide religion, body, or sect which has historically held conscientious objections to joining or financially supporting labor organizations shall not be required to join or financially support any labor organization as a condition of employment; except that such employee may be required in a contract between such employees' employer and a labor organization in lieu of periodic dues and initiation fees, to pay sums equal to such dues and initiation fees to a nonreligious, nonlabor organization charitable fund exempt from taxation under section 501(c)(3) of title 26 of the Internal Revenue Code, chosen by such employee from a list of at least three such funds, designated in such contract or if the contract fails to designate such funds, then to any such fund chosen by the employee. If such employee who holds conscientious objections pursuant to this section requests the labor organization to use the grievance-arbitration procedure on the employee's behalf, the labor organization is authorized to charge the employee for the reasonable cost of using such procedure.".

26 USC 501.

Approved December 24, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-496 (Comm. on Education and Labor).
CONGRESSIONAL RECORD, Vol. 126 (1980):
  Feb. 11, 12, considered and passed House.
  Dec. 13, considered and passed Senate.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 17, No. 1:
  Jan. 2, Presidential statement.

Public Law 96-594
96th Congress

An Act

To revise and improve the laws relating to the documentation of vessels, and for other purposes.

Dec. 24, 1980
[H.R. 1196]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Vessel documentation laws, improvement.

TITLE I

SEC. 101. SHORT TITLE.

Vessel Documentation Act.
46 USC 65 note.

This title may be cited as the "Vessel Documentation Act".

SEC. 102. DEFINITIONS.

46 USC 65.

As used in this title—

(1) "documented vessel" means a vessel for which a certificate of documentation has been issued under this title;

(2) "fisheries" includes the planting, cultivation, catching, taking, or harvesting of fish, shellfish, marine animals, pearls, shells, or marine vegetation at any place within the fishery conservation zone established by section 101 of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1811); and

(3) "Secretary" means the Secretary of the department in which the Coast Guard is operating.

SEC. 103. PORTS OF DOCUMENTATION.

46 USC 65a.

The Secretary shall designate ports of documentation in the United States where vessels may be documented and instruments affecting title to, or interest in, documented vessels may be recorded. The Secretary shall specify the geographic area to be served by each designated port, and he may discontinue, relocate, or designate additional ports of documentation.

SEC. 104. VESSELS ELIGIBLE FOR DOCUMENTATION.

46 USC 65b.

Any vessel of at least five net tons that is not registered under the laws of a foreign country is eligible for documentation if it is owned by—

(1) an individual who is a citizen of the United States;

(2) a partnership or association whose members are all citizens of the United States;

(3) a corporation created under the laws of the United States, or any State, territory, or possession thereof, or of the District of Columbia, or the Commonwealth of Puerto Rico; whose president or other chief executive officer and chairman of its board of directors are citizens of the United States and no more of its directors are noncitizens than a minority of the number necessary to constitute a quorum;

(4) the United States Government; or

(5) the government of any State, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

46 USC 65c.

SEC. 105. HOME PORTS.

(a) With the approval of the Secretary and subject to such regulations as he may prescribe, the port of documentation selected by an owner for the documentation of his vessel shall be the vessel's home port.

(b) Once a vessel's home port has been fixed as provided in subsection (a), it may not be changed without the approval of the Secretary, subject to such regulations as he may prescribe.

46 USC 65d.

SEC. 106. NAME OF VESSEL.

(a) At the time of application for initial documentation of a vessel, the owner shall provide a name for the vessel. Subject to the approval of the Secretary and upon the issuance of a certificate of documentation, that name shall become the vessel's name of record.

(b) Once a vessel's name of record has been fixed as provided in subsection (a), it shall not be changed without the approval of the Secretary, subject to such regulations as he may prescribe.

Fee.

(c) The Secretary may prescribe a reasonable fee for changing a documented vessel's name of record.

46 USC 65e.

SEC. 107. CERTIFICATE OF DOCUMENTATION: APPLICATION; ISSUANCE; FORM; EXHIBITION.

(a) Upon application by the owner of any vessel eligible for documentation, the Secretary shall issue a certificate of documentation of a type specified in section 110, 111, 112, 113, or 114 of this title.

(b) The Secretary may prescribe the form of, the manner of filing, and the information to be contained in, applications for certificates of documentation.

(c) Each certificate of documentation shall—

(1) contain the name, the home port, and a description of the vessel for which it is issued;

(2) identify its owner; and

(3) be in the form and contain any additional information prescribed by the Secretary.

(d) The Secretary shall, by regulation, prescribe procedures to insure the integrity of, and the accuracy of information contained in, certificates of documentation issued under this title.

(e) The owner and the master of each documented vessel shall make the vessel's certificate of documentation available for examination as the law may require or as the Secretary may prescribe.

46 USC 65f.

SEC. 108. NUMBERS; SIGNAL LETTERS; IDENTIFICATION MARKINGS.

(a) The Secretary shall maintain a numbering system for the identification of documented vessels and shall assign a number to each documented vessel.

(b) The Secretary may maintain a system of signal letters for documented vessels.

(c) The owner of each documented vessel shall affix to the vessel and maintain in the manner prescribed by the Secretary the number assigned under subsection (a) and any other identification markings the Secretary may prescribe.

46 USC 65g.

SEC. 109. PURPOSE OF DOCUMENTATION.

A certificate of documentation issued under this title is—

(1) conclusive evidence of nationality for international purposes, but not in any proceeding conducted under the laws of the United States;

(2) except in the case of a pleasure vessel license, conclusive evidence of qualification to be employed in a specified trade; and

(3) not conclusive evidence of ownership in any proceeding in which ownership is in issue.

SEC. 110. CERTIFICATE OF DOCUMENTATION; REGISTRY.

46 USC 65h.

(a) A registry may be issued for any vessel that is eligible for documentation.

(b) A vessel for which a registry is issued may be employed in foreign trade or trade with Guam, American Samoa, Wake, Midway, or Kingman Reef.

(c) Upon application of the owner of any vessel that qualifies for a coastwise license under section 111 of this title, a Great Lakes license under section 112 of this title, or a fishery license under section 113 of this title, the Secretary may issue a registry appropriately endorsed authorizing the vessel to be employed in the coastwise trade, the Great Lakes trade, or the fisheries, as the case may be.

(d) Except as provided in sections 111, 112, and 113 of this title, a foreign built vessel registered pursuant to this section may not engage in the coastwise trade, the Great Lakes trade, or the fisheries.

SEC. 111. CERTIFICATE OF DOCUMENTATION: COASTWISE LICENSE.

46 USC 65i.

(a) A coastwise license or, as provided in section 110(c) of this title, an appropriately endorsed registry, may be issued for any vessel that—

(1) is eligible for documentation;

(2) was built in the United States (or in the case of a vessel not built in the United States, has been captured in war by citizens of the United States and lawfully condemned as prize, has been adjudged to be forfeited for a breach of the laws of the United States, or has qualified for documentation under section 4136 of the Revised Statutes of the United States, as amended (46 U.S.C. 14)); and

(3) otherwise qualifies under laws of the United States to be employed in the coastwise trade.

(b) Only a vessel for which a coastwise license or an appropriately endorsed registry is issued may, subject to the laws of the United States regulating those trades, be employed in—

(1) the coastwise trade; and

(2) the fisheries.

SEC. 112. CERTIFICATE OF DOCUMENTATION: GREAT LAKES LICENSE.

46 USC 65j.

(a) A Great Lakes license, or, as provided in section 110(c) of this title, an appropriately endorsed registry, may be issued for any vessel that—

(1) is eligible for documentation;

(2) was built in the United States (or in the case of a vessel not built in the United States, has been captured in war by citizens of the United States and lawfully condemned as prize, has been adjudged to be forfeited for a breach of the laws of the United States, or has qualified for documentation under section 4136 of the Revised Statutes of the United States, as amended (46 U.S.C. 14)); and

(3) otherwise qualifies under the laws of the United States to be employed in the coastwise trade.

(b) Only a vessel for which a Great Lakes license or an appropriately endorsed registry is issued may, on the Great Lakes and their tributary and connecting waters and subject to the laws of the United States regulating those trades, be employed in—

(1) the coastwise trade;

(2) trade with Canada; and

(3) the fisheries.

46 USC 65k.

SEC. 113. CERTIFICATE OF DOCUMENTATION: FISHERY LICENSE.

(a) A fishery license, or, as provided in section 110(c) of this title, an appropriately endorsed registry, may be issued for any vessel that—

(1) is eligible for documentation;

(2) was built in the United States (or in the case of a vessel not built in the United States, has been captured in war by citizens of the United States and lawfully condemned as prize, has been adjudged to be forfeited for a breach of the laws of the United States, or has qualified for documentation under section 4136 of the Revised Statutes of the United States, as amended (46 U.S.C. 14)); and

(3) otherwise qualifies under the laws of the United States to be employed in the fisheries.

(b) Subject to the laws of the United States regulating the fisheries, only a vessel for which a fishery license or an appropriately endorsed registry is issued may be employed in that trade.

46 USC 65*l*.

SEC. 114. CERTIFICATE OF DOCUMENTATION: PLEASURE VESSEL LICENSE.

(a) A pleasure vessel license may be issued for any vessel that—

(1) is eligible for documentation, and

(2) is to be used exclusively for pleasure.

(b) A licensed pleasure vessel may proceed from or to any port of the United States and to any foreign port without entering or clearing with the United States Customs Service.

(c) Notwithstanding any other law, the Secretary may prescribe reasonable fees for issuing, renewing, or replacing a pleasure vessel license; or for providing any other service in connection with a pleasure vessel license. The fees shall be based on the costs of the service provided.

46 USC 65m.

SEC. 115. VESSEL LIMITED TO TRADE COVERED BY CERTIFICATE OF DOCUMENTATION; EXEMPTIONS; PENALTY.

Pleasure vessel.

(a) A vessel may not be employed in any trade other than a trade covered by the certificate of documentation issued for that vessel. A documented pleasure vessel may not be used for purposes other than pleasure. However, any certificate of documentation may, under regulations prescribed by the Secretary, be exchanged for any other type of certificate of documentation, or appropriately endorsed for any trade, for which the vessel qualifies.

(b) A non-self-propelled vessel which is qualified to be employed in the coastwise trade may, without being documented, be employed in that trade within a harbor or on the rivers or inland lakes of the United States, or on the internal waters or canals of any State.

(c) Whenever a vessel is employed in a trade that is not covered by the certificate of documentation issued for that vessel or a documented pleasure vessel is used other than for pleasure, the vessel, together with its equipment, is liable to seizure by and forfeiture to the United States.

(d) A documented vessel may not be placed under the command of a person other than a citizen of the United States.

SEC. 116. FALSIFICATION IN DOCUMENTATION: FRAUDULENT USE OF DOCUMENT; PENALTY.

46 USC 65n.

(a) Whenever the owner of a vessel knowingly falsifies or conceals a material fact, or makes a false statement or representation in connection with the documentation of his vessel under this title, in addition to any other penalty provided by law, that vessel, together with its equipment, is liable to seizure by and forfeiture to the United States.

(b) Whenever a certificate of documentation is knowingly and fraudulently used for any vessel, that vessel, together with its equipment, is liable to seizure by and forfeiture to the United States.

SEC. 117. CERTIFICATE OF DOCUMENTATION: TERMINATION OF VALIDITY.

46 USC 65o.

(a) A certificate of documentation is invalid if the vessel for which it is issued—

(1) no longer meets the requirements of this Act and the regulations prescribed thereunder pertaining to that certificate of documentation; or

(2) is placed under the command of a person who is not a citizen of the United States.

(b) Except as provided by subsection (o) of section 30 of the Act of June 5, 1920, as amended (46 U.S.C. 961(a)), an invalid certificate of documentation shall be surrendered in accordance with regulations prescribed by the Secretary.

SEC. 118. VESSELS PROCURED OUTSIDE THE UNITED STATES.

46 USC 65p.

(a) The Secretary and the Secretary of State, acting jointly, may provide for the issuance of an appropriate document for any vessel procured outside the United States that meets the ownership requirements of section 104 of this title.

(b) Subject to any limitations the Secretary may prescribe, a vessel for which an appropriate document is issued under this section may proceed to the United States and engage en route in the foreign trade or trade with Guam, American Samoa, Wake, Midway, or Kingman Reef. Upon the vessel's arrival in the United States the document shall be surrendered in accordance with regulations prescribed by the Secretary.

(c) A vessel for which a document is issued under this section is subject to the jurisdiction and laws of the United States. However, the Secretary may suspend for a period not to exceed six months the application of any vessel inspection law administered by him, or any regulation issued thereunder, if he considers the suspension to be in the public interest.

Suspension.

SEC. 119. RECORDING OF UNITED STATES BUILT VESSELS.

46 USC 65q.

The Secretary may provide for the recording and certifying of any information pertaining to vessels built in the United States that he considers to be in the public interest.

SEC. 120. REGISTRATION OF FUNNEL MARKS AND HOUSE FLAGS.

46 USC 65r.

The Secretary shall provide for the registration of funnel marks and house flags by owners of vessels.

SEC. 121. LIST OF DOCUMENTED VESSELS.

46 USC 65s.

The Secretary shall publish periodically a list of all documented vessels together with any information pertaining to them that he considers pertinent or useful.

46 USC 65t.

SEC. 122. REPORTS.

To insure compliance with this title and the laws governing the qualifications of vessels to engage in the coastwise trade and the fisheries, the Secretary may require owners and masters of documented vessels to submit reports in any reasonable form and manner he may prescribe.

46 USC 65u.

SEC. 123. VIOLATIONS; PENALTY.

(a) Any person who is found by the Secretary, after notice and an opportunity for a hearing, to have violated this title or a regulation issued hereunder shall be liable to the United States for a civil penalty, not to exceed $500 for each violation. Each day of a continuing violation shall constitute a separate violation. The amount of the penalty shall be assessed by the Secretary, or his designee, by written notice. In determining the amount of the penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require.

(b) The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty under this section.

(c) If any person fails to pay an assessment of a civil penalty after it has become final, the Secretary may refer the matter to the Attorney General for collection in any appropriate district court of the United States.

46 USC 65v.

SEC. 124. DELEGATIONS AND REGULATIONS.

The Secretary may—

(1) delegate, and authorize successive redelegations of, any of the duties or powers conferred on him by this title; and

(2) prescribe regulations to carry out this title.

Definitions.
46 USC 65w.

SEC. 125. RELATED TERMS IN OTHER LAWS.

With respect to the documentation of a vessel whenever used in any law, regulation, document ruling, or other official act—

(1) "certificate of registry", "registry", and "register" mean a registry as provided for in section 110 of this title;

(2) "license", "enrollment and license", "license for the coastwise (or coasting) trade", and "enrollment and license for the coastwise (or coasting) trade" mean a coastwise license as provided for in section 111 of this title;

(3) "enrollment and license to engage in the foreign and coastwise (or coasting) trade on the northern, northeastern, and northwestern frontiers, otherwise than by sea" means a Great Lakes license as provided for in section 112 of this title;

(4) "license for the fisheries" and "enrollment and license for the fisheries" mean a fishery license as provided for in section 113 of this title; and

(5) "yacht" means a pleasure vessel whether or not documented.

SEC. 126. AMENDMENTS TO OTHER LAWS.

Officers.

(a) Section 4131 of the Revised Statutes of the United States, as amended (46 U.S.C. 221), is further amended to read as follows: "Only a citizen of the United States may serve as master, chief engineer, or officer in charge of a deck watch or engineering watch on any vessel documented under the laws of the United States. However, if a documented vessel is deprived of the services of any officer, other than the master, while on a foreign voyage and a vacancy is thereby created, until the vessel's first return to a United States port where a United States citizen replacement can be obtained, a person who is not a citizen of the United States may serve in—

"(1) the vacancy; or

"(2) any vacancy resulting from the promotion of another to fill the original vacancy.".

(b) Section 4311 of the Revised Statutes of the United States, as amended (46 U.S.C. 251), is further amended by striking the first and third sentences of subsection (a).

(c) Section 4320 of the Revised Statutes of the United States, as amended (46 U.S.C. 262), is further amended by—

(1) striking the word "licensed" in the first sentence and inserting in lieu thereof the word "documented"; and

(2) striking the last sentence.

(d) Section 4377 of the Revised Statutes of the United States, as amended (46 U.S.C. 325), is further amended by striking the second sentence.

(e) Section 7 of the Act of June 19, 1886, as amended (46 U.S.C. 319), is further amended by—

(1) striking the first sentence and inserting in lieu thereof the following:

Trading without license, penalty.

"Whenever a vessel, entitled to be documented and not so documented, is employed in a trade for which certificates of documentation are issued under the vessel documentation laws, other than a trade covered by a registry, the vessel is liable to a civil penalty of $500 for each port at which it arrives without the proper certificate of documentation, and if it has on board any merchandise of foreign growth or manufacture (sea stores excepted), or any taxable domestic spirits, wines, or other alcoholic liquors, on which the duties or taxes have not been paid or secured to be paid, the vessel, together with its equipment and cargo, is liable to seizure and forfeiture."; and

(2) striking the last sentence.

SEC. 127. REPEALS.

46 USC 65 note.

The following laws are repealed, except with respect to rights and duties that matured, penalties that were incurred, and proceedings that were begun before the effective date of this title:

Revised statutes section

4132
4137
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Revised statutes section

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Revised statutes section

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4324
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Date	Chapter	Section	Statutes at large	
			Volume	Page
1874 Apr. 17	106		18	30
1877 Feb. 27	69	1 (only the part amending R.S. 4315, 4318, and 4319).	19	251
1879 June 30	54		21	44
1884 June 26	121	21	23	58
July 5	221	4	23	119
1886 June 19	421	6	24	81
1891 Feb. 21	250	1	26	765
1895 Jan. 16	24	2, 4, 5	28	624, 625
1897 Jan. 20	67	1, 2	29	491, 492
1902 June 24	1155	1, 2	32	398, 399
1905 Mar. 3	1457	9	33	1032
1906 Apr. 24	1865	1, 2	34	136
1908 May 28	212	7	35	426
1912 Feb. 29	47		37	70
July 9	220		37	189
Aug. 24	390	5 (only the part amending R.S. 4132).	37	562
1915 Mar. 4	172	1	38	1193
Do	184	5	38	1218

Date	Chapter	Section	Statutes at large	
			Volume	Page
1920 Feb. 19	83	1, 2, 3	41	436, 437
1925 Feb. 16	235	1	43	947
1935 Aug. 5	438	310	49	528
1936 May 20	434		49	1367
1938 May 24	265		52	437
1939 May 31	159		53	794
Do	160		53	795
June 2	168		53	798
1957 Aug. 30	Public Law 85-237	1	71	517
1961 Aug. 17	Public Law 85-157		75	392
1965 Sept. 29	Public Law 85-219	10	79	892

SEC. 128. EFFECTIVE DATE.

46 USC 65 note.

This title shall be effective on the first day of the eighteenth month following the month in which enacted.

TITLE II

Tonnage Measurement Simplification Act.
46 USC 71 note.

SEC. 201. SHORT TITLE.—This Act may be cited as the "Tonnage Measurement Simplification Act".

SEC. 202. MEASUREMENT.—Section 4148 of the Revised Statutes of the United States, as amended (46 U.S.C. 71) is further amended to read as follows:

"SEC. 4148. (a) Before a vessel is documented or recorded under the laws of the United States, or where the application of a law of the United States to a vessel is determined by its tonnage, the vessel shall be measured by the Secretary of the department in which the Coast Guard is operating. The Secretary may, by regulation, provide for the temporary documentation of a vessel prior to the measurement required by this section.

"(b) A vessel required to be measured under subsection (a) of this section, other than a vessel used exclusively for pleasure, shall be measured as prescribed in sections 4151 and 4153 of the Revised Statutes of the United States, as amended, and to the extent applicable, as prescribed in Public Law 89-219, September 29, 1965 (79 Stat. 891; 46 U.S.C. 83-83k) if—

46 USC 75, 77.

"(1) it engages or intends to engage in an international voyage by sea; or

"(2) it is at least twenty-four meters in length and is self-propelled.

Vessels, nonmeasurement.

"(c) A vessel not required to be measured under subsection (b) of this section may be so measured if requested by its owner. A vessel not measured under subsection (b) shall be assigned gross and net tonnages by the Secretary which are functions of its length, breadth, depth, and other dimensions, including appropriate coefficients. The Secretary shall prescribe the manner in which dimensions are measured and which coefficients are appropriate. The resulting gross tonnages, taken as a group, shall reasonably reflect the relative internal volumes of the vessels measured, and the resulting net tonnages shall be in approximately the same ratios to corresponding gross tonnages as are the net and gross tonnages of comparable vessels measured under subsection (b) of this section. In accordance with regulations issued under this subsection, the Secretary may determine the gross and net tonnages of a vessel which is representative of a designated class, model, or type and may assign those gross and net tonnages to other vessels of the same class, model, or type.

"(d) A vessel shall be remeasured if—

"(1) the vessel is altered or the use of its space is changed so that its gross or net tonnage is affected;

"(2) having been measured under subsection (c) of this section, the vessel becomes, by use or alteration, subject to subsection (b) of this section; or

"(3) having been measured under subsection (b) of this section and not required to be so measured, the owner requests that the vessel be measured under subsection (c) of this section.

Except as provided in this subsection, a vessel that has been measured is not required to be remeasured to obtain another document.

Regulations.

"(e) The Secretary shall make such regulations as may be necessary to carry out the provisions of sections 4148, 4149, 4150, 4151, and 4153 of the Revised Statutes, as amended (46 U.S.C. 71, 72, 74, 75, 77).".

46 USC 71 note.
46 USC 75, 77.
Ante, p. 3461.

SEC. 203. APPLICATION.—A vessel measured prior to the effective date of this title under sections 4151 and 4153 of the Revised Statutes of the United States, as amended, is considered as having been measured under section 4148(b) of the Revised Statutes of the United States, as amended by this Act.

46 USC 71 note.

SEC. 204. EFFECTIVE DATE.—The provisions of this title shall take effect on the first day of the twelfth month following the month in which enacted.

TITLE III

46 USC 369.

SEC. 301. The penultimate sentence of section 5(b) of the Act of May 27, 1936 (49 U.S.C. 369(b)), as amended, is amended by striking "November 1, 1983," and substituting "November 1, 1988,".

Appropriation authorization.

SEC. 302. There is authorized to be appropriated to the Secretary of Transportation $500,000 for fiscal year 1981 to conduct a study of the feasibility of constructing a new two track railroad drawbridge across Coos Bay, Oregon, which would replace the existing Southern Pacific Railroad drawbridge located at mile 9.0 and would have a clear navigational opening of 400 feet or such lesser clearance as the Secretary may determine to be reasonable. Such study shall include an analysis of any modifications to the Coos Bay City Airport that would be required to permit construction of a new railroad drawbridge.

Transfer of vessel to museum.
46 USC 1151, 50 USC app. 1744.

SEC. 303. Notwithstanding the provisions of title V, Merchant Marine Act of 1936 and section 11, Merchant Ship Sales Act of 1946, the Secretary of Commerce is hereby authorized to transfer, without reimbursement, the title and ownership of V4-M-A1 ocean tug Scotch Cap to the Superior-Douglas County Museum in Superior, Wisconsin, for use as a maritime museum. The vessel shall be delivered to the museum at the place where the vessel is located on the effective date of this Act, in its present condition, without cost to the United States. While the vessel is owned by the Superior-Douglas County Museum it shall be used solely as a maritime museum, and such vessel shall not be used for operation or transportation purposes of any nature whatsoever. In the event that the United States should have need for the vessel, the Superior-Douglas County Museum, on request of the Secretary of Commerce shall make the vessel available to the United States without cost. In the event the Superior-Douglas County Museum no longer requires the vessel for the purposes of this Act, such vessel shall be conveyed back to the United States in as good condition as when received, except for ordinary wear and tear, to be delivered by the Superior-Douglas County Museum to the point of original delivery without any cost to the United States.

Approved December 24, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-428 (Comm. on Merchant Marine and Fisheries).
CONGRESSIONAL RECORD:
Vol. 125 (1979): Sept. 17, considered and passed House.
Vol. 126 (1980): Dec. 9, considered and passed Senate, amended.
Dec. 10, House concurred in Senate amendment.

Public Law 96-595
96th Congress

An Act

Dec. 24, 1980
[H.R. 4968]

To amend the Internal Revenue Code of 1954 with respect to net operating loss carryovers of taxpayers who cease to be real estate investment trusts, to increase interest rates on certain United States retirement bonds, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Internal Revenue Code of 1954, amendment.

SECTION 1. NET OPERATING LOSS CARRYOVER FOR CERTAIN REITS.

26 USC 172.

(a) IN GENERAL.—Subparagraph (E) of section 172(b)(1) of the Internal Revenue Code of 1954 (relating to net operating loss deduction) is amended to read as follows:

"(E)(i) A net operating loss for a REIT year—

"(I) shall not be a net operating loss carryback to any taxable year preceding the taxable year of such loss, and

"(II) shall be a net operating loss carryover to each of the 8 taxable years following the taxable year of such loss.

"(ii) In the case of any net operating loss for a taxable year which is not a REIT year—

"(I) such loss shall not be carried back to any taxable year which is a REIT year, and

"(II) the number of taxable years to which such loss may be a net operating loss carryover under subparagraph (B) shall be increased (to a number not greater than 8) by the number of taxable years to which such loss may not be a net operating loss carryback by reason of subclause (I).

"REIT year."

"(iii) For purposes of this subparagraph, the term 'REIT year' means any taxable year for which the provisions of part II of subchapter M (relating to real estate investment trusts) apply to the taxpayer.".

26 USC 172 note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to the determination of the net operating loss deduction for taxable years ending after October 4, 1976. For purposes of applying the preceding sentence to any net operating loss for a taxable year which is not a REIT year and which ends on or before October 4, 1976, subclause (II) of section 172(b)(1)(E)(ii) of the Internal Revenue Code of 1954 shall be applied by substituting "the number of REIT years to which such loss was a net operating loss carryback" for "the number of taxable years to which such loss may not be a net operating loss carryback by reason of subclause (I)". In the case of a net operating loss for a taxable year described in the preceding sentence, subclause (II) of section 172(b)(1)(E)(ii) of such Code shall not apply to any taxpayer which acted so as to cause it to cease to qualify as a "real estate investment trust" within the meaning of section 856 of such Code if the principal purpose for such action was to secure the benefit of the allowance of a net operating loss carryover under section 172(b)(1)(B) of such Code.

26 USC 172.

26 USC 856.

SEC. 2. INCREASES IN INTEREST RATES PAYABLE ON UNITED STATES RETIREMENT PLAN AND INDIVIDUAL RETIREMENT BONDS.

(a) IN GENERAL.—The first section of the Second Liberty Bond Act (31 U.S.C. 752) is amended by adding at the end thereof the following new paragraph:

"The Secretary of the Treasury, with the approval of the President, may provide by regulations that the investment yield on any offerings of bonds issued under this Act which are described in section 405(b) or 409(a) of the Internal Revenue Code of 1954 (relating to retirement plan bonds and individual retirement bonds, respectively) be increased for the interest accrual periods specified in such regulations so that the investment yield on such bonds for such periods is consistent with the investment yield on new offerings of such bonds.". 26 USC 405, 409.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to the investment yield on bonds issued before, on, or after the date of the enactment of this Act, but only for purposes of increasing the investment yield on such bonds for interest accrual periods beginning after the date of enactment of this Act. 31 USC 752 note.

SEC. 3. GENERAL STOCK OWNERSHIP CORPORATIONS.

(a) IN GENERAL.—Subchapter U of the Internal Revenue Code of 1954 (relating to general stock ownership corporations) is amended— 26 USC 1391.

(1) by inserting "or the estate of a deceased shareholder" after "State" in section 1391(a)(4)(D)(ii);

(2) by striking out "Individuals" in the caption of section 1391(c) and inserting in lieu thereof "Individual";

(3) by striking out "1393" in section 1392(a) and inserting in lieu thereof "1396(b)";

(4) by striking out "and all succeeding years" in section 1392(b)(1);

(5) by striking out "section, the term 'taxable income'" in section 1393(a)(2) and inserting in lieu thereof "subchapter, the taxable income";

(6) by striking out "a GSOC" in sections 1393(a)(2), 1393(b)(3), 1394(c), and 1396(b) and inserting in lieu thereof "an electing GSOC";

(7) by striking out "GSOC's" in the heading for section 1394 and inserting in lieu thereof "GSOC";

(8) by striking out "the GSOC" in sections 1393(b)(3) and 1394(d) and inserting in lieu thereof "an electing GSOC";

(9) by striking out "A GSOC" in section 1396(a) and inserting in lieu thereof "An electing GSOC";

(10) by adding at the end of section 1396(b) the following: "Such tax shall be deductible as an ordinary and necessary expense of the corporation under section 162."; and

(11) by amending the table of sections for such subchapter to read as follows:

"Subchapter U—General Stock Ownership Corporations

"Sec. 1391 Definitions.
"Sec. 1392. Election by GSOC.
"Sec. 1393. GSOC taxable income taxed to shareholders.
"Sec. 1394. Rules applicable to distributions of an electing GSOC.
"Sec. 1395. Adjustment to basis of stock of shareholders.
"Sec. 1396. Minimum distributions.
"Sec. 1397. Special rules applicable to an electing GSOC.".

26 USC 6039B.

(b) CONFORMING AMENDMENT.—The last sentence of section 6039B of such Code (relating to return of general stock ownership corporations) is amended by inserting "electing" after "Every".

26 USC 1391 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to corporations chartered after December 31, 1978, and before January 1, 1984.

SEC. 4. CHARITABLE SERVICES PERFORMED ABROAD.

26 USC 911.

(a) IN GENERAL.—Subsection (a) of section 911 of the Internal Revenue Code of 1954 (relating to income earned by individuals in certain camps) is amended by inserting "or who performs qualified charitable services in a lesser developed country," after "hardship area,".

(b) DOLLAR LIMITATIONS.—

(1) IN GENERAL.—Subparagraph (A) of subsection (c)(1) of such section 911 of such Code is amended to read as follows:

"(A) DOLLAR LIMITATIONS.—

"(i) CAMP RESIDENTS.—In the case of an individual who resides in a camp located in a hardship area, the amount excluded from the gross income of the individual under subsection (a) for any taxable year shall not exceed an amount which shall be computed on a daily basis at an annual rate of $20,000 for days during which he resides in a camp.

"(ii) EMPLOYEES OF CHARITABLE ORGANIZATIONS.—If any individual performs qualified charitable services in a lesser developed country during any taxable year, the amount of the earned income attributable to such services excluded from the gross income of the individual under subsection (a) for the taxable year shall not exceed an amount which shall be computed on a daily basis at an annual rate of $20,000.

"(iii) SPECIAL RULE.—If any individual performs qualified charitable services in a lesser developed country and performs other services while residing in a camp located in a hardship area during any taxable year, the amount of the earned income attributable to such other services excluded from the gross income of the individual under subsection (a) for the taxable year shall not (after the application of clause (i) with respect to such earned income) exceed $20,000 reduced by the amount of the earned income attributable to qualified charitable services excluded from gross income under subsection (a) for the taxable year.".

(2) DEFINITIONS.—Subsection (c)(1) of such section 911 of such Code is amended by adding at the end thereof the following:

"(D) QUALIFIED CHARITABLE SERVICES.—For purposes of this subsection, the term 'qualified charitable services' means services performed by an employee for an employer which—

"(i) meets the requirements of section 501(c)(3), and

"(ii) is not a private foundation (within the meaning of section 509(a)).

"(E) LESSER DEVELOPED COUNTRY.—The term 'lesser developed country' means any foreign country other than—

"(i) a country listed in the first sentence of section 502(b) of the Trade Act of 1974 (19 U.S.C. 2462), or "(ii) a country designated by the President as not being a lesser developed country.".

(c) TECHNICAL AMENDMENTS.—

(1) The heading for such section 911 of such Code is amended by inserting "OR FROM CHARITABLE SERVICES" after "CAMPS". 26 USC 911.

(2) The item relating to section 911 in the table of sections for subpart B of part III of subchapter N of chapter 1 of such Code is amended by inserting "or from charitable services" after "camps".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1978. 26 USC 911 note.

SEC. 5. ARBITRAGE REQUIREMENTS FOR MORTGAGE SUBSIDY BONDS.

(a) GENERAL RULE.—Paragraph (4) of section 103A(i) of the Internal Revenue Code of 1954 (relating to requirements related to arbitrage) is amended by adding at the end thereof the following new subparagraphs: *Ante*, p. 2660.

"(C) REDUCTION WHERE ISSUER DOES NOT USE FULL 1 PERCENTAGE POINT UNDER PARAGRAPH (2).—

"(i) IN GENERAL.—The amount required to be paid or credited to mortgagors under subparagraph (A) (determined under this paragraph without regard to this subparagraph) shall be reduced by the unused paragraph (2) amount.

"(ii) UNUSED PARAGRAPH (2) AMOUNT.—For purposes of clause (i), the unused paragraph (2) amount is the amount which (if it were treated as an interest payment made by mortgagors) would result in the excess referred to in paragraph (2)(A) being equal to 1 percentage point. Such amount shall be fixed and determined as of the yield determination date.

"(D) ELECTION TO PAY UNITED STATES.—Subparagraph (A) shall be satisfied with respect to any issue if the issuer elects before issuing the obligations to pay over to the United States—

"(i) not less frequently than once each 5 years after the date of issue, an amount equal to 90 percent of the aggregate amount which would be required to be paid or credited to mortgagors under subparagraph (A) (and not theretofore paid to the United States), and

"(ii) not later than 30 days after the redemption of the last obligation, 100 percent of such aggregate amount not theretofore paid to the United States.

"(E) SIMPLIFIED ACCOUNTING.—The Secretary shall permit any simplified system of accounting for purposes of this paragraph which the issuer establishes to the satisfaction of the Secretary will assure that the purposes of this paragraph are carried out.".

(b) TECHNICAL AMENDMENT.—Paragraph (8) of section 103A(l) of such Code is amended by inserting "or paid to the United States" after "credited to mortgagors".

26 USC 103A note.
Ante, p. 2660.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by section 1102 of the Mortgage Subsidy Bond Tax Act of 1980.

Approved December 24, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1045 (Comm. on Ways and Means).
SENATE REPORT No. 96-1037 (Comm. on Finance).
CONGRESSIONAL RECORD, Vol. 126 (1980):
    June 17, considered and failed of passage.
    Nov. 17, considered and passed House.
    Dec. 13, considered and passed Senate, amended; House agreed to Senate amendments.

Public Law 96-596
96th Congress

An Act

To amend the Internal Revenue Code of 1954 with respect to the determination of second tier taxes, and for other purposes.

Dec. 24, 1980
[H.R. 5391]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Internal Revenue Code of 1954, amendment.

SECTION 1. AMENDMENT OF 1954 CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

26 USC 1 *et seq.*

SEC. 2. DETERMINATION OF SECOND TIER TAXES.

(a) DATE FOR DETERMINING AMOUNT OF SECOND TIER TAXES.—

(1) SUBSTITUTION OF TAXABLE PERIOD FOR CORRECTION PERIOD.—The following provisions are each amended by striking out "correction period" and inserting in lieu thereof "taxable period":

26 USC 4941–4945, 4951, 4952, 4971, 4975.

(A) Section 4941(b)(1) (relating to additional taxes on self-dealer).

(B) Section 4941(e)(2)(B) (defining amount involved).

(C) Section 4942(b) (relating to additional tax on failure to distribute income).

(D) Section 4943(b) (relating to additional tax on excess business holdings).

(E) Section 4944(b)(1) (relating to additional taxes on investment which jeopardizes charitable purpose).

(F) Section 4945(b)(1) (relating to additional taxes on taxable expenditures).

(G) Section 4951(b)(1) (relating to additional taxes on self-dealer).

(H) Section 4951(e)(2)(B) (defining amount involved).

(I) Section 4952(b)(1) (relating to additional taxes on taxable expenditures).

(J) Section 4971(b) (relating to additional tax on failure to meet minimum funding standards).

(K) Section 4975(b) (relating to additional taxes on disqualified persons).

(L) Section 4975(f)(4)(B) (defining amount involved).

(2) DEFINITION OF TAXABLE PERIOD.—

(A) Paragraph (1) of section 4941(e) (defining taxable period) is amended to read as follows:

"(1) TAXABLE PERIOD.—The term 'taxable period' means, with respect to any act of self-dealing, the period beginning with the date on which the act of self-dealing occurs and ending on the earliest of—

"(A) the date of mailing a notice of deficiency with respect to the tax imposed by subsection (a)(1) under section 6212, "(B) the date on which the tax imposed by subsection (a)(1) is assessed, or

"(C) the date on which correction of the act of self-dealing is completed."

26 USC 4942.

(B) Paragraph (1) of section 4942(j) is amended to read as follows:

"(1) Taxable period.—The term 'taxable period' means, with respect to the undistributed income for any taxable year, the period beginning with the first day of the taxable year and ending on the earlier of—

"(A) the date of mailing of a notice of deficiency with respect to the tax imposed by subsection (a) under section 6212, or

"(B) the date on which the tax imposed by subsection (a) is assessed."

26 USC 4943.

(C) Paragraph (2) of section 4943(d) is amended to read as follows:

"(2) Taxable period.—The term 'taxable period' means, with respect to any excess business holdings of a private foundation in a business enterprise, the period beginning on the first day on which there are excess holdings and ending on the earlier of—

"(A) the date of mailing of a notice of deficiency with respect to the tax imposed by subsection (a) under section 6212 in respect of such holdings, or

"(B) the date on which the tax imposed by subsection (a) in respect of such holdings is assessed."

26 USC 4944.

(D) Paragraph (1) of section 4944(e) is amended to read as follows:

"(1) Taxable period.—The term 'taxable period' means, with respect to any investment which jeopardizes the carrying out of exempt purposes, the period beginning with the date on which the amount is so invested and ending on the earliest of—

"(A) the date of mailing of a notice of deficiency with respect to the tax imposed by subsection (a)(1) under section 6212,

"(B) the date on which the tax imposed by subsection (a)(1) is assessed, or

"(C) the date on which the amount so invested is removed from jeopardy."

26 USC 4945.

(E) Paragraph (2) of section 4945(i) is amended to read as follows:

"(2) Taxable period.—The term 'taxable period' means, with respect to any taxable expenditure, the period beginning with the date on which the taxable expenditure occurs and ending on the earlier of—

"(A) the date of mailing a notice of deficiency with respect to the tax imposed by subsection (a)(1) under section 6212, or

"(B) the date on which the tax imposed by subsection (a)(1) is assessed."

26 USC 4951.

(F) Paragraph (1) of section 4951(e) is amended to read as follows:

"(1) Taxable period.—The term 'taxable period' means, with respect to any act of self-dealing, the period beginning with the date on which the act of self-dealing occurs and ending on the earliest of—

"(A) the date of mailing a notice of deficiency with respect to the tax imposed by subsection (a)(1) under section 6212, "(B) the date on which the tax imposed by subsection (a)(1) is assessed, or

"(C) the date on which correction of the act of self-dealing is completed."

(G) Paragraph (2) of section 4952(e) is amended to read as follows: 26 USC 4952.

"(2) Taxable period.—The term 'taxable period' means, with respect to any taxable expenditure, the period beginning with the date on which the taxable expenditure occurs and ending on the earlier of—

"(A) the date of mailing a notice of deficiency with respect to the tax imposed by subsection (a)(1) under section 6212, or

"(B) the date on which the tax imposed by subsection (a)(1) is assessed."

(H) Paragraph (3) of section 4971(c) is amended to read as follows: 26 USC 4971.

"(3) Taxable period.—The term 'taxable period' means, with respect to an accumulated funding deficiency, the period beginning with the end of the plan year in which there is an accumulated funding deficiency and ending on the earlier of—

"(A) the date of mailing of a notice of deficiency with respect to the tax imposed by subsection (a), or

"(B) the date on which the tax imposed by subsection (a) is assessed."

(I) Paragraph (2) of section 4975(f) is amended to read as follows: 26 USC 4975.

"(2) Taxable period.—The term 'taxable period' means, with respect to any prohibited transaction, the period beginning with the date on which the prohibited transaction occurs and ending on the earliest of—

"(A) the date of mailing a notice of deficiency with respect to the tax imposed by subsection (a) under section 6212,

"(B) the date on which the tax imposed by subsection (a) is assessed, or

"(C) the date on which correction of the prohibited transaction is completed."

(3) Technical amendments.—

(A) Subsection (e) of section 4941 is amended by striking out paragraph (4). 26 USC 4941.

(B) Subsection (j) of section 4942 is amended— 26 USC 4942.

(i) by striking out paragraph (2),

(ii) by striking out "paragraph (5)" in paragraph (3)(B)(i) and inserting in lieu thereof "paragraph (4)",

(iii) by redesignating paragraph (4) as paragraph (2), and

(iv) by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

(C) Subsection (d) of section 4943 is amended by striking out paragraph (3) and by redesignating paragraph (4) as paragraph (3). 26 USC 4943.

(D) Subsection (e) of section 4944 is amended by striking out paragraph (3). 26 USC 4944.

(E) Subsection (e) of section 4951 is amended by striking out paragraph (4) and by redesignating paragraph (5) as paragraph (4). 26 USC 4951.

(F) Subsection (f) of section 4975 is amended by striking out paragraph (6). 26 USC 4975.

(4) Clerical amendments.—

26 USC 4942.

(A) Clause (ii) of section 4942(g)(2)(C) is amended by striking out "the initial correction period provided in subsection (j)(2)" and inserting in lieu thereof "the correction period (as defined in section 4962(e))".

26 USC 4943.

(B) Subparagraph (A) of section 4943(d)(3) (as redesignated by paragraph (3)(c)) is amended by striking out "4942(j)(5)" and inserting in lieu thereof "4942(j)(4)".

26 USC 6213.

Post, p. 3473.

(C) Subsection (e) of section 6213 (relating to suspension of filing period for certain excise taxes) is amended by striking out "section 4941(e)(4)" and all that follows through the end of such subsection and inserting in lieu thereof "section 4962(e)."

26 USC 6503.

(D) Subsection (g) of section 6503 (relating to suspension of running of period of limitation pending correction) is amended by striking out "section 4941(e)(4)" and all that follows through the end of such subsection and inserting in lieu thereof "section 4962(e)."

(E) Section 6503 is amended by redesignating subsection (j) as subsection (i).

26 USC 6503 note.
26 USC 6503.

(F) The amendments made by sections 1203(h)(1) and 1601(f)(2) of the Tax Reform Act of 1976, and the amendment made by section 362(d)(5) of the Revenue Act of 1978, shall be deemed to be amendments to section 6503(i) of the Internal Revenue Code of 1954 (as redesignated by subparagraph (E)).

26 USC 6214.

Post, p. 3473.

(b) Tax Court To Determine Whether Taxable Event Has Been Corrected.—Subsection (c) of section 6214 (relating to determinations by Tax Court) is amended by adding at the end thereof the following new sentence: "The Tax Court, in redetermining a deficiency of any second tier tax (as defined in section 4962(b)), shall make a determination with respect to whether the taxable event has been corrected."

(c) Abatement of Tax Where There is Correction During Correction Period.—

(1) In general.—Chapter 42 is amended by adding at the end thereof the following new subchapter:

"Subchapter C—Abatement of Second Tier Taxes Where There Is Correction During Correction Period

"Sec. 4961. Abatement of second tier taxes where there is correction.
"Sec. 4962. Definitions.

26 USC 4961.

"SEC. 4961. ABATEMENT OF SECOND TIER TAXES WHERE THERE IS CORRECTION.

"(a) General Rule.—If any taxable event is corrected during the correction period for such event, then any second tier tax imposed with respect to such event (including interest, additions to the tax, and additional amounts) shall not be assessed, and if assessed the assessment shall be abated, and if collected shall be credited or refunded as an overpayment.

"(b) Supplemental Proceeding.—If the determination by a court that the taxpayer is liable for a second tier tax has become final, such court shall have jurisdiction to conduct any necessary supplemental proceeding to determine whether the taxable event was corrected during the correction period. Such a supplemental proceeding may be begun only during the period which ends on the 90th day after the last day of the correction period. Where such a supplemental proceeding has begun, the reference in the second sentence of section 6213(a) to a final decision of the Tax Court shall be treated as including a final decision in such supplemental proceeding.

"(c) Suspension of Period of Collection for Second Tier Tax.—

"(1) Proceeding in district court or court of claims.—If, not later than 90 days after the day on which the second tier tax is assessed, the first tier tax is paid in full and a claim for refund of the amount so paid is filed, no levy or proceeding in court for the collection of the second tier tax shall be made, begun, or prosecuted until a final resolution of a proceeding begun as provided in paragraph (2) (and of any supplemental proceeding with respect thereto under subsection (b)). Notwithstanding section 7421(a), the collection by levy or proceeding may be enjoined during the time such prohibition is in force by a proceeding in the proper court.

"(2) Suit must be brought to determine liability.—If, within 90 days after the day on which his claim for refund is denied, the person against whom the second tier tax was assessed fails to begin a proceeding described in section 7422 for the determination of his liability for such tax, paragraph (1) shall cease to apply with respect to such tax, effective on the day following the close of the 90-day period referred to in this paragraph.

"(3) Suspension of running of period of limitations on collection.—The running of the period of limitations provided in section 6502 on the collection by levy or by a proceeding in court with respect to any second tier tax described in paragraph (1) shall be suspended for the period during which the Secretary is prohibited from collecting by levy or a proceeding in court.

"(4) Jeopardy collection.—If the Secretary makes a finding that the collection of the second tier tax is in jeopardy, nothing in this subsection shall prevent the immediate collection of such tax.

"SEC. 4962. DEFINITIONS.

26 USC 4962.

"(a) First Tier Tax.—For purposes of this subchapter, the term 'first tier tax' means any tax imposed by subsection (a) of section 4941, 4942, 4943, 4944, 4945, 4951, 4952, 4971, or 4975.

"(b) Second Tier Tax.—For purposes of this subchapter, the term 'second tier tax' means any tax imposed by subsection (b) of section 4941, 4942, 4943, 4944, 4945, 4951, 4952, 4971, or 4975.

"(c) Taxable Event.—For purposes of this subchapter, the term 'taxable event' means any act (or failure to act) giving rise to liability for tax under section 4941, 4942, 4943, 4944, 4945, 4951, 4952, 4971, or 4975.

"(d) Correct.—For purposes of this subchapter—

"(1) In general.—Except as provided in paragraph (2), the term 'correct' has the same meaning as when used in the section which imposes the second tier tax.

"(2) Special rules.—The term 'correct' means—

"(A) in the case of the second tier tax imposed by section 4942(b), reducing the amount of the undistributed income to zero,

"(B) in the case of the second tier tax imposed by section 4943(b), reducing the amount of the excess business holdings to zero, and

"(C) in the case of the second tier tax imposed by section 4944, removing the investment from jeopardy.

"(e) Correction Period.—For purposes of this subchapter—

"(1) In general.—The term 'correction period' means, with respect to any taxable event, the period beginning on the date on which such event occurs and ending 90 days after the date of mailing under section 6212 of a notice of deficiency with respect to the second tier tax imposed on such taxable event, extended by—

"(A) any period in which a deficiency cannot be assessed under section 6213(a) (determined without regard to the last sentence of section 4961(b)), and

"(B) any other period which the Secretary determines is reasonable and necessary to bring about correction of the taxable event.

"(2) Special rules for when taxable event occurs.—For purposes of paragraph (1), the taxable event shall be treated as occurring—

"(A) in the case of section 4942, on the first day of the taxable year for which there was a failure to distribute income,

"(B) in the case of section 4943, on the first day on which there are excess business holdings,

"(C) in the case of section 4971, on the last day of the plan year in which there is an accumulated funding deficiency, and

"(D) in any other case, the date on which such event occurred."

26 USC 7422.
26 USC 4940 *et seq.*, 4971 *et seq.*

(2) Civil actions for refunds.—Paragraph (1) of section 7422(g) (relating to special rules for certain excise taxes imposed by chapter 42 or 43) is amended to read as follows:

"(1) Right to bring actions.—

"(A) In general.—With respect to any taxable event, payment of the full amount of the first tier tax shall constitute sufficient payment in order to maintain an action under this section with respect to the second tier tax.

"(B) Definitions.—For purposes of subparagraph (A), the terms 'taxable event', 'first tier tax', and 'second tier tax' have the respective meanings given to such terms by section 4962."

(3) Clerical amendment.—The table of subchapters for chapter 42 is amended by adding at the end thereof the following new item:

"Subchapter C. Abatement of second tier taxes where there is correction during correction period."

26 USC 4961 note.

(d) Effective Dates.—

(1) First tier taxes.—The amendments made by this section with respect to any first tier tax shall take effect as if included in the Internal Revenue Code of 1954 when such tax was first imposed.

(2) Second tier taxes.—The amendments made by this section with respect to any second tier tax shall apply only with respect to taxes assessed after the date of the enactment of this Act. Nothing in the preceding sentence shall be construed to permit the assessment of a tax in a case to which, on the date of the enactment of this Act, the doctrine of res judicata applies.

(3) First and second tier tax.—For purposes of this subsection, the terms "first tier tax" and "second tier tax" have the respective meanings given to such terms by section 4962 of the Internal Revenue Code of 1954.

26 USC 4962.

SEC. 3. TREATMENT OF CERTAIN CHARITABLE TRUSTS FOR PURPOSES OF THE MINIMUM TAX.

(a) GENERAL RULE.—Subparagraph (C) of section 57(b)(2) (relating to treatment of certain charitable contributions of trusts for purposes of the minimum tax) is amended by redesignating clauses (iv) and (v) as clauses (v) and (vi), respectively, and by inserting after clause (iii) the following new clause: 26 USC 57.

"(iv) deductions allowable to a trust—

"(I) all the income interests in which are devoted to one or more of the purposes described in section 170(c) (determined without regard to section 170(c)(2)(A)),

"(II) all of the interests (other than income interests) in which are held by a corporation, and

"(III) the grantor of which is a corporation."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 1975. 26 USC 57 note.

SEC. 4. EXCISE TAXES ON TIRES.

(a) REDUCTIONS IN RATE OF TAX.—

(1) IN GENERAL.—

(A) Section 4071(a)(1) is amended by striking out "10 cents" and inserting "9.75 cents". 26 USC 4071.

(B) Section 4071(a)(2) is amended by striking out "5 cents" and inserting "4.875 cents".

(C) Section 4071(d)(1) is amended by striking out "5 cents" and inserting "4.875 cents".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply on and after January 1, 1981. 26 USC 4071 note.

(b) DETERMINATION OF OVERPAYMENT.— 26 USC 4071 note.

(1) IN GENERAL.—The determination of the extent to which any overpayment of tax imposed by section 4071(a) (1) or (2) or section 4071(b) has arisen by reason of an adjustment of a tire after the original sale pursuant to a warranty or guarantee, and the allowance of a credit or refund of any such overpayment, shall be determined in accordance with the principles set forth in regulations and rulings relating thereto to the extent in effect on March 31, 1978. *Supra.*

(2) EFFECTIVE DATE.—This subsection shall apply to the adjustment of any tire after March 31, 1978, and prior to January 1, 1983.

(c) TIRES AND INNER TUBES.—

(1) IN GENERAL.—Paragraph (1) of section 6416(b) (relating to price readjustments) is amended to read as follows: 26 USC 6416.

"(1) PRICE READJUSTMENTS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B) or (C), if the price of any article in respect of which a tax, based on such price, is imposed by chapter 32, is readjusted by reason of the return or repossession of the article or a covering or container, or by a bona fide discount, rebate, or allowance, including a readjustment for local advertising (but only to the extent provided in section 4216(e) (2) and (3)), the part of the tax proportionate to the part of the price repaid or credited to the purchaser shall be deemed to be an overpayment. 26 USC 4061 *et seq.*

"(B) FURTHER MANUFACTURE.—Subparagraph (A) shall not apply in the case of an article in respect of which tax was computed under section 4223(b)(2); but if the price for which

such article was sold is readjusted by reason of the return or repossession of the article, the part of the tax proportionate to the part of such price repaid or credited to the purchaser shall be deemed to be an overpayment.

Ante, p. 3475.

"(C) ADJUSTMENT OF TIRE PRICE.—No credit or refund of any tax imposed by section 4071(a) (1) or (2) or section 4071(b) shall be allowed or made by reason of an adjustment of a tire pursuant to a warranty or guarantee."

26 USC 6416 note.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to the adjustments of any tire after December 31, 1982.

SEC. 5. TAX TREATMENT OF PROCEEDS HELD IN TRUST FOR KLAMATH INDIAN TRIBE.

25 USC 564j note.

(a) IN GENERAL.—The first section of the Act entitled "An Act to exclude from gross income gains from the condemnation of certain forest lands held in trust for the Klamath Indian Tribe", approved August 9, 1975, is amended by striking out "gain resulting from" and inserting in lieu thereof "all amounts realized by the trust from".

25 USC 564j note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to all amounts whether received before, on, or after the date of the enactment of this Act.

Approved December 24, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-912 (Comm. on Ways and Means).
SENATE REPORT No. 96-1034 (Comm. on Finance).
CONGRESSIONAL RECORD, Vol. 126 (1980):
- **May 20, considered and passed House.**
- **Dec. 13, considered and passed Senate, amended; House agreed to Senate amendments with amendments; Senate agreed to House amendments.**

Public Law 96-597
96th Congress

An Act

To authorize appropriations for certain insular areas of the United States, and for other purposes.

Dec. 24, 1980
[H.R. 8444]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

United States insular areas. Appropriation authorization.

TITLE I—AMERICAN SAMOA

48 USC 1662 note.

SEC. 101. Notwithstanding any other provision of law and subject to valid existing rights, all right, title, and interest of the Government of the United States in personal property situated in American Samoa shall be transferred, without reimbursement, to the American Samoa government on October 1, 1981, unless the agency of the Government of the United States having administrative responsibility for the property advises the Secretary of the Interior in writing before the date of transfer that it has a continuing requirement for such property.

TITLE II—GUAM

Repeal.

SEC. 201. (a) Section 3 and section 5 of the Act entitled "An Act to provide for the rehabilitation of Guam, and for other purposes" (Public Law 88-170; 77 Stat. 302) are hereby repealed.

(b) The Act entitled "An Act to provide for the rehabilitation of Guam, and for other purposes" is amended by adding at the end thereof the following new section:

"SEC. 7. The government of Guam shall not be liable to the United States on and after the effective date of this section for repayment of any amount appropriated under this Act which was not repaid to the United States before such date.".

Effective date.

(c) This section shall take effect October 1, 1981.

TITLE III—NORTHERN MARIANA ISLANDS

Report to congressional committees.

SEC. 301. Within six months from the date of enactment of this Act, the Secretary of the Interior is directed to submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives a report on the existing dock and harbor facilities in the Northern Mariana Islands; the need, if any, for repair, improvement, or replacement of such facilities; the cost of such rehabilitation; and the amount of Federal assistance which would be necessary to achieve such rehabilitation.

16 USC 777k.

SEC. 302. (a) Section 12 of the Act of August 9, 1950 (64 Stat. 434), as amended, is further amended by deleting "Governor of American Samoa," and inserting in lieu thereof "Governor of American Samoa, the Governor of the Commonwealth of the Northern Mariana Islands,"; by deleting "to apportion to Puerto Rico, Guam, American Samoa," and inserting in lieu thereof "to apportion to Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands,"; by deleting "Samoa one-third of 1 per centum," and inserting in lieu thereof "Samoa one-third of 1 per centum, for the Commonwealth of the Northern Mariana Islands one-third of 1 per centum,"; and by deleting "expenditure in Puerto Rico, Guam," and inserting in lieu thereof "expenditure in Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands,".

16 USC 669g-1.

(b) Section 8(a) of the Act of September 2, 1937 as added August 18, 1941 (55 Stat. 632), as amended, is further amended by deleting "Governor of Guam," and inserting in lieu thereof "Governor of Guam, the Governor of the Commonwealth of the Northern Mariana Islands,"; by deleting "apportion to Puerto Rico, Guam," and inserting in lieu thereof "apportion to Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands,"; by deleting "Guam one-sixth of 1 per centum," and inserting in lieu thereof "Guam one-sixth of 1 per centum, for the Commonwealth of the Northern Mariana Islands one-sixth of 1 per centum,"; and by deleting "expenditure in Puerto Rico, Guam," and inserting in lieu thereof "expenditure in Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands,".

48 USC 1681 note.

SEC. 303. (a) The Act of March 12, 1980 (Public Law 96-205; 94 Stat. 87) is hereby amended as follows: In section 205(a) change "and before January 1, 1981." to "until, but not after, January 1, 1983.".

Suspension and effective date.

(b) The provisions of section 205(c) shall be suspended and shall be of no force or effect until January 1, 1983.

TITLE IV—TRUST TERRITORY OF THE PACIFIC ISLANDS

48 USC 1681 note.

SEC. 401. Section 101 of the Act of March 12, 1980 (94 Stat. 84), is amended by changing the commas after "program" and "system" to semicolons; by deleting the word "and" after "system"; and by inserting after "Ponape;" the following: "for expenditure by grant or contract for the installation, operation, and maintenance of communications systems which will provide internal and external communications;".

Property transfer.
48 USC 1681 note.

SEC. 402. (a) Notwithstanding any other provision of law, subject to valid existing rights, and subject to subsection (b) of this section, all right, title, and interest of the Government of the United States in personal property situated in the Trust Territory of the Pacific Islands and of the government of the Trust Territory of the Pacific Islands in personal property wherever located shall be transferred, without reimbursement, by October 1, 1982, to the government of the Northern Mariana Islands, Palau, the Marshall Islands, or the Federated States of Micronesia according to a list of distribution established by the High Commissioner of the Trust Territory of the Pacific Islands in consultation with the recipient government.

(b) Personal property referred to in subsection (a) of this section shall be transferred upon declaration by the High Commissioner of the Trust Territory of the Pacific Islands that such property is surplus to the needs of the government of the Trust Territory of the Pacific Islands, which declaration shall be approved, if applicable, by the head of the agency of the Government of the United States having administrative responsibility for the property.

(c) If no government exists in Palau at the time of enactment of this section that is capable of receiving title to such property in its own name, the government of the Trust Territory of the Pacific Islands shall hold such property in trust for the prospective government of Palau until such government is established.

SEC. 403. Section 104 of the Act of March 12, 1980 is amended as follows:

48 USC 1695.

(a) strike "nor shall participation" and insert "and shall continue to be available to the extent said territory or its successor or successors are eligible to participate in such programs. Participation";

(b) change "governments be denied" to "governments shall not be denied"; and

(c) strike the period and insert "and shall continue at such levels as the Congress may provide in appropriation Acts.".

TITLE V—VIRGIN ISLANDS AND GUAM

SEC. 501. Section 5 of the Act of October 21, 1976 (Public Law 94-584; 90 Stat 2899) is amended by changing "sixty days after its submission" to "sixty legislative days (not interrupted by an adjournment sine die of the Congress) after its submission".

48 USC note prec. 1391.

SEC. 502. Notwithstanding any other provision of law, with regard to parcels 2 and 22 (Estate Upper Bethlehem, Saint Croix, United States Virgin Islands) and parcels 2A and 23 (Fredensborg and Upper Bethlehem, Saint Croix, United States Virgin Islands) and parcel 24 (Estate Body Slob and Upper Bethlehem, Saint Croix, United States Virgin Islands), the government of the Virgin Islands is hereby released from all obligation under the mortgage and note given by the government of the Virgin Islands when such parcels were conveyed to the government of the Virgin Islands by the Government of the United States.

Release of parcel obligation.

TITLE VI—MISCELLANEOUS

SEC. 601. GENERAL TECHNICAL ASSISTANCE.—(a) The Secretary of the Interior is authorized to extend to the governments of American Samoa, Guam, the Northern Mariana Islands, the Virgin Islands, and the Trust Territory of the Pacific Islands, and their agencies and instrumentalities, with or without reimbursement, technical assistance on subjects within the responsibility of the respective territorial governments. Such assistance may be provided by the Secretary of the Interior through members of his staff, reimbursements to other departments or agencies of the Federal Government under the Economy Act (31 U.S.C. 686), grants to or cooperative agreements with such governments, agreements with Federal agencies or agencies of State or local governments, or the employment of private individuals, partnerships, or corporations. Technical assistance may include research, planning assistance, studies, and demonstration projects.

48 USC 1469d.

(b) The Secretary of the Interior is further authorized to provide technical assistance to, and maintenance of agricultural plantings and physical facilities for, the peoples from Enewetak Atoll and Bikini Atoll, as well as for the purchase of food and equipment and for the transportation of such food, equipment and persons as he deems necessary and appropriate until such areas produce sufficient food to fully sustain the residents after resettlement. This provision shall not cease to be applicable either before or after the termination of the trusteeship without the express approval of the United States Congress.

(c) The Secretary of Agriculture is authorized to extend, in his discretion, programs administered by the Department of Agriculture to Guam, the Northern Mariana Islands, the Trust Territory of the

Waiver.

Congressional notification.

Pacific Islands, the Virgin Islands, and American Samoa (hereinafter called the territories). Notwithstanding any other provision of law, the Secretary of Agriculture is authorized to waive or modify any statutory requirements relating to the provision of assistance under such programs when he deems it necessary in order to adapt the programs to the needs of the respective territory: *Provided,* That not less than sixty days prior to extending any program pursuant to this section or waiving or modifying any statutory requirement pursuant to this section, the Secretary of Agriculture shall notify the Committee on Agriculture and the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate of his proposed action together with an explanation of why his action is necessary and the anticipated benefits to each territory affected. Such programs shall be carried out in cooperation with the respective governments of the territories and shall be covered by a memorandum of understanding between the respective territorial government and the Department of Agriculture. Any sums appropriated pursuant to this paragraph shall be allocated to the agencies of the Department of Agriculture concerned with the administration of programs in the territories.

Effective date. Appropriation authorization.

(d) Effective October 1, 1981, there are authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

Politicial unification of insular areas. 48 USC 1681 note.

SEC. 602. In the event that a political union is effected at a future time between the Territory of Guam and the Commonwealth of the Northern Mariana Islands, the Federal Government and each of its agencies is authorized and directed to assure that—

(i) there will be no diminution of any rights or entitlements otherwise eligible to said territory and Commonwealth in effect on the effective date of such union,

(ii) there will be no adverse effect on any funds which have been or may hereafter be authorized or appropriated for said territory or Commonwealth, as of the effective date of such union, or

(iii) no action is taken that would in any manner discourage such unification.

Whenever any discrepancy exists or arises between the benefits available for either said territory or Commonwealth under any policies or programs authorized by law (including, but not limited to, any formulas for matching grants-in-aid or comparable programs or benefits), the most favorable terms available to either said territory or Commonwealth shall be deemed applicable to said unified area after the effective date of unification.

20 USC 3191.

20 USC 3222.

SEC. 603. Notwithstanding any other provision of law to the contrary, funds appropriated under the Emergency School Aid Act for fiscal year 1980 which are available for use in American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, the Trust Territory of the Pacific Islands, and the Virgin Islands shall be available in such areas for the purposes set forth in section 702 of the Emergency School Aid Act as such section was in effect immediately before September 30, 1979.

Energy resources. 48 USC 1492.

SEC. 604. (a) The Congress finds that—

(1) the Caribbean and Pacific insular areas of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Federated States of Micronesia, the Marshall Islands, and Palau are virtually completely dependent on imported sources of energy;

(2) the dependence of such areas on imported sources of energy coupled with the increasing cost and the uncertain availability and supply of such sources of energy will continue to frustrate the political, social, and economic development of such areas by placing increasingly severe fiscal burdens on the local governments of these areas;

(3) these insular areas are endowed with a variety of renewable sources of energy which, if developed, would alleviate their dependence on imported sources of energy, relieve the fiscal burden on local governments imposed by the costs of imported fuel, and strengthen the base for political, social, and economic development;

(4) appropriate technologies are presently available to develop the renewable energy resources of these insular areas but that comprehensive energy plans have not been adequately developed to meet the energy demands of these areas from renewable energy resources.

Energy resources, development.

(b) The Congress declares that it is the policy of the Federal Government to—

(1) develop the renewable energy resources of the Caribbean and Pacific insular areas of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Federated States of Micronesia, the Marshall Islands, and Palau; and

(2) to assist other insular areas in the Caribbean and Pacific Basin in the development of their renewable energy resources.

Comprehensive energy plan.

(c) The Secretary of Energy or any administrative official who may succeed him shall prepare a comprehensive energy plan with emphasis on indigenous renewable sources of energy for Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Federated States of Micronesia, the Marshall Islands and Palau. The plan shall be prepared with the approval of the Secretary of the Interior and in cooperation with the chief executive officer of each insular area by—

(1) surveying existing sources and uses of energy;

(2) estimating future energy needs to the year 2020, giving due consideration to a range of economic development possibilities;

(3) assessing, in depth, the availability and potential for development of indigenous energy sources, including solar, wind, hydropower, ocean current and tidal, biogas, biofuel, geothermal and ocean thermal energy conversion;

(4) assessing the mix of energy sources (including fossil fuels) and identifying those technologies that are needed to meet the projected demands for energy; and

(5) drafting long-term energy plans for such insular areas with the objective of minimizing their reliance on energy imports and making maximum use of their indigenous energy resources.

(d) The Secretary of Energy or any administrative official who may succeed him, with the approval of the Secretary of the Interior, as part of the comprehensive energy planning may demonstrate those indigenous renewable energy technologies which are determined to be most cost effective through the use of existing programs.

Plan submittal to Congress.

(e) Within two years from the date of enactment of this Act, the Secretary of Energy or any administrative official who may succeed him shall submit the comprehensive energy plan for each insular area to the Congress.

Appropriation authorization.

(f) There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

Effective date.
42 USC 1962d-16.

SEC. 605. Effective October 1, 1981, section 22 of the Water Resources Development Act of 1974 (Public Law 93-251) is amended by adding at the end thereof the following:

"State."

"(c) For the purposes of this section, the term 'State' means the several States of the United States, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Marianas, and the Trust Territory of the Pacific Islands.".

SEC. 606. (a) The Congress finds that—

(1) the Trust Territory of the Pacific Islands is composed over two thousand islands scattered over three million square miles of the North Pacific Ocean with a total land area of only seven hundred square miles supporting approximately one hundred thousand persons;

(2) the health, safety, welfare, as well as the political, social, and economic development of the peoples of the Trust Territory of the Pacific Islands are totally dependent on the adequacy and regularity of inter-island transportation;

(3) the principal form of inter-island transportation, especially for the outer islands is and will continue to be surface transportation;

(4) at present inter-island surface transportation is completely dependent on uncertain supplies of increasingly expensive imported fuel;

(5) recent developments in sail-assisted technology offer the potential for alleviating the dependence of the peoples of the Trust Territory of the Pacific Islands on imported fuel for surface transportation, thereby improving the capability for regular supply schedules to the various islands, relieving the fiscal burden on local governments caused by the costs of imported fuel, and strengthening the base for political, social, and economic development of the peoples of the Trust Territory of the Pacific Islands.

Transportation.
Report to Congress.

(b) In order to ascertain the potential for sail-assisted technology for inter-island transportation in the Trust Territory of the Pacific Islands, the Secretary of the Interior is directed to review the transportation needs of the Trust Territory of the Pacific Islands and submit a report to the Congress by October 1, 1981, on his findings and recommendations.

(c) In preparing his report, the Secretary of the Interior shall consider, but is not limited to, frequency of services, present and alternative routes, cargo delivery, operating costs, port and docking availability and adequacy, and the impact on energy costs of the use of a second generation of inter-island field trip vessels using sail-assisted technology. The report shall set forth a scientific analysis of the potential applications of sail-assisted technology as a means of reducing energy costs for inter-island transportation including, but not limited to, statistics on windspeed, direction, wave heights and currents; possible design configurations and specifications for sail-assisted vessels; cost estimates for construction, financing, and operation; and such other information as he deems appropriate to determine the feasibility of sail-assisted technology for inter-island transportation.

(d) The Secretary is directed to consult with appropriate representatives of the various local government units in the Trust Territory of the Pacific Islands as well as the Secretary of Transportation, the Secretary of Commerce, and the Secretary of Defense in preparing the report.

Appropriation authorization.
48 USC 1641 note.

SEC. 607. (a) In order to assist the governments of Guam and the Virgin Islands in eliminating general fund deficits, there is authorized to be appropriated to the Secretary of the Interior for payment to Guam not to exceed $15,000,000 for fiscal year 1982, and $11,000,000 for fiscal year 1983, $7,500,000 for fiscal year 1984, and $4,000,000 for fiscal year 1985; and for payment to the Virgin Islands not to exceed $12,000,000 for fiscal year 1982, $9,000,000 for fiscal year 1983, $6,000,000 for fiscal year 1984, and $3,000,000 for fiscal year 1985.

Plan submittal to Secretary of Interior.

(b) The Governors of Guam and the Virgin Islands shall each submit a plan for approval to the Secretary of the Interior in consultation with the Secretary of the Treasury which is designed to eliminate the respective territory's general fund deficits by the beginning of fiscal year 1986. Such plan shall provide for—

(1) implementation of an effective budgeting and accounting system;

(2) realistic revenue and expenditure projections which will progressively reduce current year general fund deficits and result in a balanced general fund budget no later than the beginning of fiscal year 1986;

(3) financing of accumulated general fund deficits;

(4) quarterly goals and timetables for implementing the plan. The plan shall also indicate that the Governor has the necessary authority to implement the plan.

Report submittal to Secretaries of Interior and Treasury.

(c) Not more than thirty days after the close of each quarter which occurs after the plan required under subsection (a) of this section has been approved by the Secretary of the Interior in consultation with the Secretary of the Treasury and through the close of fiscal year 1985, the respective Governor shall submit a report to the Secretary of the Interior and the Secretary of the Treasury, certified by the respective government comptroller, describing in detail the success or failure of such territory in meeting the goals and timetables described in such plan.

Payments.

(d) No payment shall be made under this title until the plan required under this section has been approved by the Secretary of the Interior in consultation with the Secretary of the Treasury. Before making any payment under this title after such plan has been approved, the Secretary shall determine whether the respective territory is meeting the goals and timetables prescribed in such plan. If the Secretary determines that such territory is not meeting such goals or timetables, he shall withhold payments otherwise due such territory until he determines that such goals and timetables are being met.

SEC. 608. Authority to enter into contracts, to incur obligations, or to make payments under this Act shall be effective only to the extent or in such amounts as are provided in advance in appropriations Acts.

Approved December 24, 1980.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 126 (1980):
Dec. 9, considered and passed House.
Dec. 12, considered and passed Senate.

Public Law 96-598
96th Congress

An Act

To amend the Internal Revenue Code of 1954 with respect to excise tax refunds in the case of certain uses of tread rubber, and for other purposes.

Dec. 24, 1980
[H.R. 3317]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Internal Revenue Code of 1954, amendment.

SECTION 1. EXCISE TAX REFUNDS IN CASE OF CERTAIN USES OF TREAD RUBBER.

(a) Refunds for Certain Uses.—Subparagraph (G) of section 6416(b)(2) of the Internal Revenue Code of 1954 (relating to special cases in which tax payments considered overpayments) is amended to read as follows:

26 USC 6416.

"(G) in the case of tread rubber in respect of which tax was paid under section 4071(a)(4)—

"(i) used or sold for use otherwise than in the recapping or retreading of tires of the type used on highway vehicles (as defined in section 4072(c)),

"(ii) destroyed, scrapped, wasted, or rendered useless in the recapping or retreading process,

"(iii) used in the recapping or retreading of a tire the sale of which is later adjusted pursuant to a warranty or guarantee, in which case the overpayment shall be in proportion to the adjustment in the sales price of such tire, or

"(iv) used in the recapping or retreading of a tire, if such tire is by any person exported, used or sold for use as supplies for vessels or aircraft, sold to a State or local government for the exclusive use of a State or local government, or sold to a nonprofit educational organization for its exclusive use,

unless credit or refund of such tax is allowable under paragraph (3);".

(b) Use in Further Manufacture, Etc.—

(1) In general.—Paragraph (3) of section 6416(b) of such Code (relating to tax-paid articles used for further manufacture, etc.) is amended by inserting after subparagraph (C) the following new subparagraph:

"(D) in the case of tread rubber in respect of which tax was paid under section 4071(a)(4) used in the recapping or retreading of a tire, such tire is sold by the subsequent manufacturer or producer on or in connection with, or with the sale of, any other article manufactured or produced by him and such other article is by any person exported, sold to a State or local government for the exclusive use of a State or local government, sold to a nonprofit educational organization for its exclusive use, or used or sold for use as supplies for vessels or aircraft, unless credit or refund of such tax is allowable under subparagraph (C);".

(2) TECHNICAL AMENDMENTS.—

26 USC 6416.

(A) Subparagraph (E) of section 6416(b)(2) of such Code is amended by inserting after "paragraph (3)" the following: "(or in the case of the tread rubber on a recapped or retreaded tire, resold for use as provided in subparagraph (D) of paragraph (3)),".

(B) Subparagraph (C) of section 6416(a)(1) of such Code is amended by striking out "(b)(3)(C)" and inserting in lieu thereof "(b)(3) (C) or (D)".

(C) Subparagraph (A) of section 6416(b)(3) of such Code is amended by inserting "(D)," after "(C),".

(D) Subparagraph (A) of section 6416(b)(4) of such Code is amended by striking out "section 4071" and inserting in lieu thereof "section 4071, or a recapped or retreaded tire in respect of which tax under section 4071(a)(4) was paid on the tread rubber used in the recapping or retreading,".

26 USC 6511.

(c) STATUTE OF LIMITATIONS.—Section 6511 of such Code (relating to limitations on credit or refund) is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection:

"(i) SPECIAL RULE FOR CERTAIN TREAD RUBBER TAX CREDITS OR REFUNDS.—The period for allowing a credit or making a refund of any overpayment of tax arising by reason of subparagraph (G)(iii) of section 6416(b)(2) with respect to any adjustment of sales price of a tire pursuant to a warranty or guarantee shall not expire if claim therefor is filed before the date which is one year after the day on which such adjustment is made.".

Ante, p. 3485.

26 USC 4071.

(d) IMPORTED RECAPPED OR RETREADED UNITED STATES TIRES.—Section 4071 of such Code (relating to excise tax on tires and tubes) is amended by adding at the end thereof the following new subsection:

"(f) IMPORTED RECAPPED OR RETREADED UNITED STATES TIRES.—

"(1) IN GENERAL.—For purposes of subsection (a)(4), in the case of a tire which has been exported from the United States, recapped or retreaded (other than from bead to bead) outside the United States, and imported into the United States—

"(A) the person importing such tire shall be treated as importing the tread rubber used in such recapping or retreading (determined as of the completion of the recapping or retreading), and

"(B) the sale of such tire by the importer thereof shall be treated as the sale of such tread rubber.

"(2) EXCEPTION FOR CERTAIN TAXABLE SALES.—Paragraph (1) shall not apply with respect to the sale of any tire if such tire is sold on or in connection with the sale of an article on which tax is imposed under section 4061.".

26 USC 4071 note.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first calendar month which begins more than 10 days after the date of the enactment of this Act.

26 USC 1034 note.

SEC. 2. NONRECOGNITION OF GAIN ON SALE OF PRINCIPAL RESIDENCE.

(a) IN GENERAL.—In the case of an individual—

(1) who sold his principal residence (within the meaning of section 1034 of the Internal Revenue Code of 1954) in 1977,

(2) who purchased property on which to construct a new principal residence (within the meaning of such section)—

(A) the construction of which commenced during such year, and

(B) the construction of which was terminated before completion,

(3) who brought an action, and obtained a judgment, against the builder who commenced construction of the new residence but failed to complete it,

(4) who suspended construction of such residence so that the partially constructed residence could be used as evidence in connection with the prosecution of the builder (without regard to whether it was so used), and

(5) who failed to meet the requirements of such section with respect to occupancy of the new principal residence because of such suspension of construction,

the Secretary of the Treasury, in the administration of section 1034(c) of the Internal Revenue Code of 1954 (relating to rules for application of section 1034), shall apply paragraph (5) of such section as if "5 years" were substituted for "2 years" where it appears in the last sentence of such paragraph.

(b) Effective Date.—The provisions of the first section of this Act shall apply with respect to taxable years beginning after December 31, 1976, and before January 1, 1983.

SEC. 3. DISCLOSURE OF TAX RETURNS TO STATE AUDIT AGENCIES.

(a) General Rule.—Subsection (d) of section 6103 of the Internal Revenue Code of 1954 (relating to disclosure of return information to State tax officials) is amended to read as follows: 26 USC 6103.

"(d) Disclosure to State Tax Officials.—

"(1) In general.—Returns and return information with respect to taxes imposed by chapters 1, 2, 6, 11, 12, 21, 23, 24, 31, 32, 44, 51, and 52 and subchapter D of chapter 36 shall be open to inspection by, or disclosure to, any State agency, body, or commission, or its legal representative, which is charged under the laws of such State with responsibility for the administration of State tax laws for the purpose of, and only to the extent necessary in, the administration of such laws, including any procedures with respect to locating any person who may be entitled to a refund. Such inspection shall be permitted, or such disclosure made, only upon written request by the head of such agency, body, or commission, and only to the representatives of such agency, body, or commission designated in such written request as the individuals who are to inspect or to receive the returns or return information on behalf of such agency, body, or commission. Such representatives shall not include any individual who is the chief executive officer of such State or who is neither an employee or legal representative of such agency, body, or commission nor a person described in subsection (n). However, such return information shall not be disclosed to the extent that the Secretary determines that such disclosure would identify a confidential informant or seriously impair any civil or criminal tax investigation.

26 USC 1, 1401, 1501, 2001, 2501, 3101, 3301, 3401, 4001, 4061, 4981, 5001, 5701, 4481.

"(2) Disclosure to state audit agencies.—

"(A) In general.—Any returns or return information obtained under paragraph (1) by any State agency, body, or commission may be open to inspection by, or disclosure to, officers and employees of the State audit agency for the purpose of, and only to the extent necessary in, making an audit of the State agency, body, or commission referred to in paragraph (1).

"(B) State audit agency.—For purposes of subparagraph (A), the term 'State audit agency' means any State agency, body, or commission which is charged under the laws of the State with the responsibility of auditing State revenues and programs.".

26 USC 6103 note.

(b) Effective Date.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 4. TREATMENT OF BONNER'S FERRY RESTORIUM UNDER THE SUPPLEMENTARY SECURITY INCOME PROGRAM.

42 USC 1381.

(a) Treatment as Non-Public Institution.—For purposes of title XVI of the Social Security Act, the Boundary County Restorium (popularly known as the Bonner's Ferry Restorium) in Bonner's Ferry, Idaho, shall not be considered a public institution (within the meaning of section 1611(e)(1)(C) of such Act).

42 USC 1382.

(b) Effective Date.—Subsection (a) shall apply to supplemental security income benefits payable under title XVI of the Social Security Act for months beginning with November 1980.

SEC. 5. TREATMENT OF CERTAIN EXPENSES INCLUDIBLE IN THE INCOME OF THE RECIPIENT.

26 USC 274.

(a) In General.—Subsection (e) of section 274 of the Internal Revenue Code of 1954 (relating to specific exceptions to application of disallowance of certain entertainment, etc., expenses) is amended by inserting after paragraph (9) the following new paragraph:

"(10) Expenses includible in income of persons who are not employees.—Expenses paid or incurred by the taxpayer for goods, services, and facilities to the extent that the expenses are includible in the gross income of a recipient of the entertainment, amusement, or recreation who is not an employee of the taxpayer as compensation for services rendered or as a prize or award under section 74. The preceding sentence shall not apply to any amount paid or incurred by the taxpayer if such amount is required to be included (or would be so required except that the amount is less than $600) in any information return filed by such taxpayer under part III of subchapter A of chapter 61 and is not so included."

26 USC 6031.

26 USC 274 note.

(b) Effective Date.—The amendment made by this section shall apply to any expenses paid or incurred after December 31, 1980, in taxable years ending after such date.

SEC. 6. PRESERVING EXISTING TAX STATUS OF WINE AND FLAVORS USED IN THE PRODUCTION OF DISTILLED SPIRITS.

(a) Allowance of Credit.—Subpart A of part I of subchapter A of chapter 51 of the Internal Revenue Code of 1954 (relating to distilled spirits) is amended by adding at the end thereof the following new section:

26 USC 5010.

SEC. 5010. CREDIT FOR WINE CONTENT AND FOR FLAVORS CONTENT.

"(a) Allowance of Credit.—

"(1) Wine content.—On each proof gallon of the wine content of distilled spirits, there shall be allowed a credit against the tax imposed by section 5001 (or 7652) equal to the excess of—

"(A) $10.50, over

"(B) the rate of tax which would be imposed on the wine under section 5041(b) but for its removal to bonded premises.

"(2) Flavors content.—On each proof gallon of the flavors content of distilled spirits, there shall be allowed a credit against the tax imposed by section 5001 (or 7652) equal to $10.50.

"(3) **Fractional part of proof gallon.**—In the case of any fractional part of a proof gallon of the wine content, or of the flavors content, of distilled spirits, a proportionate credit shall be allowed.

"(b) **Time for Determining and Allowing Credit.**—

"(1) **In general.**—The credit allowable by subsection (a)—

"(A) shall be determined at the same time the tax is determined under section 5006 (or 7652) on the distilled spirits containing the wine or flavors, and

"(B) shall be allowable at the time the tax imposed by section 5001 (or 7652) on such distilled spirits is payable as if the credit allowable by this section constituted a reduction in the rate of tax.

"(2) **Determination of content in the case of imports.**—For purposes of this section, the wine content, and the flavors content, of imported distilled spirits shall be established by such chemical analysis, certification, or other methods as may be set forth in regulations prescribed by the Secretary.

"(c) **Definitions.**—For purposes of this section—

"(1) **Wine content.**—

"(A) **In general.**—The term 'wine content' means alcohol derived from wine.

"(B) **Wine.**—The term 'wine'—

"(i) means wine on which tax would be imposed by paragraph (1), (2), or (3) of section 5041(b) but for its removal to bonded premises, and

"(ii) does not include any substance which has been subject to distillation at a distilled spirits plant after receipt in bond.

"(2) **Flavors content.**—

"(A) **In general.**—Except as provided in subparagraph (B), the term 'flavors content' means alcohol derived from flavors of a type for which drawback is allowable under section 5134.

"(B) **Exceptions.**—The term 'flavors content' does not include—

"(i) alcohol derived from flavors made at a distilled spirits plant, and

"(ii) in the case of any distilled spirits product, alcohol derived from flavors to the extent such alcohol exceeds (on a proof gallon basis) 2½ percent of the finished product."

(b) **Clerical Amendment.**—The table of sections for such subpart A of part I of subchapter A of chapter 51 of such Code is amended by adding at the end thereof the following new item:

"Sec. 5010. Credit for wine content and for flavors content."

(c) **Effective Date.**—The amendments made by subsections (a) and (b) shall take effect on January 1, 1980.

26 USC 5010 note.

26 USC 5212.

(d) TRANSFERS OF ALCOHOL.—Section 5212 of the Internal Revenue Code of 1954 (relating to the transfer of spirits in bond) is amended by adding at the end thereof the following new sentence: "The provisions of this section restricting transfers to bulk distilled spirits shall not apply to alcohol bottled under the provisions of section 5235 which is to be withdrawn for industrial purposes."

Approved December 24, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-560 (Comm. on Ways and Means).
SENATE REPORT No. 96-898 (Comm. on Finance).
CONGRESSIONAL RECORD:
Vol. 125 (1979): Nov. 27, considered and passed House.
Vol. 126 (1980): Oct. 1, considered and passed Senate, amended.
Dec. 10, House agreed to Senate amendments with amendments.
Dec. 12, Senate agreed to House amendments.

Public Law 96-599
96th Congress

An Act

To carry out the obligations of the United States under the International Coffee Agreement 1976, signed at New York on February 27, 1976, and entered into force for the United States on October 1, 1976, and for other purposes.

Dec. 24, 1980
[H.R. 3637]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

International Coffee Agreement Act of 1980. 19 USC 1356k note.

SECTION 1. This Act may be cited as the "International Coffee Agreement Act of 1980".

IMPORTATION OF COFFEE UNDER INTERNATIONAL COFFEE AGREEMENT 1976; PRESIDENTIAL POWERS AND DUTIES

19 USC 1356k.

SEC. 2. On and after the entry into force of the International Coffee Agreement 1976, and for such period prior to October 1, 1982 as the agreement remains in effect, the President is authorized, in order to carry out and enforce the provisions of that agreement—

(1) to regulate the entry of coffee for consumption, or withdrawal of coffee from warehouse for consumption, or any other form of entry or withdrawal of coffee such as for transportation or exportation, including whenever quotas are in effect pursuant to the agreement, (A) the limitation of entry, or withdrawal from warehouse, of coffee imported from countries which are not members of the International Coffee Organization, and (B) the prohibition of entry of any shipment from any member of the International Coffee Organization of coffee which is not accompanied either by a valid certificate of origin, a valid certificate of reexport, a valid certificate of reshipment, or a valid certificate of transit, issued by a qualified agency in such form as required under the agreement;

(2) to require that every export or reexport of coffee from the United States shall be accompanied by a valid certificate of origin or a valid certificate of reexport, issued by a qualified agency of the United States designated by him, in such form as required under the agreement;

(3) to require the keeping of such records, statistics, and other information, and the rendering of such reports, relating to the importation, distribution, prices, and consumption of coffee as he may from time to time prescribe; and

(4) to take such other action, and issue and enforce such rules and regulations, as he may consider necessary or appropriate in order to implement the obligations of the United States under the agreement.

DEFINITION OF COFFEE

SEC. 3. As used in this Act, the term "coffee" means coffee as defined in article 3 of the International Coffee Agreement 1976.

19 USC 1356*l*.
28 UST 6401.

DELEGATION OF PRESIDENTIAL POWERS AND DUTIES; PROTECTION OF INTERESTS OF UNITED STATES CONSUMERS; REMEDIAL ACTION

19 USC 1356m.

SEC. 4. The President may exercise any powers and duties conferred on him by sections 2 through 5 of this Act through such agency or officer as he shall direct. The powers and duties conferred by sections 2 through 5 of this Act shall be exercised in the manner the President considers appropriate to protect the interest of United States consumers. In the event the President determines that there has been an unwarranted increase in the price of coffee due in whole or in part to the International Coffee Agreement, or to market manipulation by two or more members of the International Coffee Organization, the President shall request the International Coffee Council or the Executive Board to increase supplies of coffee available to world markets by suspending coffee export quotas and to take any other appropriate action. At the same time he shall report his determination to the Congress. In the event the International Coffee Council has failed to take corrective action to remedy the situation within a reasonable time after such request, the President shall submit to the Congress such recommendations as he may consider appropriate to correct the situation. In the event that members of the International Coffee Organization involved in market manipulation which has resulted in price increases have failed to remedy the situation within a reasonable time after a request for remedy, the exercise of the authority set forth in section 2 of this Act shall be suspended until the President determines that effective market manipulation activities have ceased.

Report to Congress. Recommendations, submittal to Congress.

REPORT TO THE CONGRESS

19 USC 1356n.
28 UST 6401.

SEC. 5. The President shall submit to the Congress an annual report on the International Coffee Agreement 1976. Such report shall contain full information on the operation of such agreement, including full information with respect to the general level of prices of coffee and matters pertaining to the transportation of coffee from exporting countries to the United States. The report shall also include a summary of the actions the United States and the International Coffee Organization have taken to protect the interest of United States consumers.

Approved December 24, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT: No. 96-1322 (Comm. on Ways and Means).
CONGRESSIONAL RECORD, Vol. 126 (1980):
Dec. 2, considered and passed House.
Dec. 15, considered and passed Senate.

Public Law 96-600
96th Congress

An Act

To authorize the Secretary of Defense to provide civilian career employees of the Department of Defense who are residents of Guam, the Virgin Islands, or the Commonwealth of Puerto Rico the same relative rotation rights as apply to other career employees, to authorize the Delegates in Congress from Guam and the Virgin Islands to have two appointments at a time, rather than one appointment, to each of the service academies, and to authorize the establishment of a National Guard of Guam.

Dec. 24, 1980

[H.R. 7694]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1586 of title 10, United States Code, relating to the rotation of civilian employees of the Department of Defense assigned to duty outside the United States, is amended by adding at the end thereof the following new subsection:

Guam, Virgin Islands, Puerto Rico; DOD civilian employees, rotation rights. 10 USC 1586.

"(h) The Secretary of Defense may, under such regulations as he may prescribe, make the provisions of subsections (a) through (g) applicable to civilian employees of the Department of Defense who are residents of Guam, the Virgin Islands, or the Commonwealth of Puerto Rico at the time of their employment by the Department of Defense in the same manner as if the references in such subsections to the United States (when used in a geographical sense) were references to Guam, the Virgin Islands, or the Commonwealth of Puerto Rico, as the case may be.".

SEC. 2. (a) Section 4342(a) of title 10, United States Code, relating to the number of cadets at the United States Military Academy, is amended by striking out "One cadet" in clauses (6) and (9) and inserting in lieu thereof "Two cadets". 10 USC 4342.

(b) Section 6954(a) of such title, relating to the number of midshipmen at the United States Naval Academy, is amended by striking out "One" in clauses (6) and (9) and inserting in lieu thereof "Two". 10 USC 6954.

(c) Section 9342(a) of such title, relating to the number of cadets at the United States Air Force Academy, is amended by striking out "One cadet" in clauses (6) and (9) and inserting in lieu thereof "Two cadets". 10 USC 9342.

(d) The amendments made by this section shall be effective beginning with the nominations for appointment to the service academies for academic years beginning more than one year after the date of enactment of this Act. 10 USC 4342 note.

SEC. 3. (a) Section 101(1) of title 32, United States Code, relating to the definition of the term "Territory", is amended by inserting "Guam and" before "the Virgin Islands". 32 USC 101.

37 USC 101.

(b) Clauses (7) and (9) of section 101 of title 37, United States Code, relating to the definitions of the terms "Army National Guard" and "Air National Guard", are each amended by inserting "Guam," after "Puerto Rico,".

Approved December 24, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1226, Pt. 1 (Comm. on Armed Services).
SENATE REPORT No. 96-1053 (Comm. on Armed Services).
CONGRESSIONAL RECORD, Vol. 126 (1980):
  Aug. 25, considered and passed House.
  Dec. 12, considered and passed Senate, amended.
  Dec. 13, House agreed to Senate amendments.

Public Law 96-601
96th Congress

An Act

To simplify certain provisions of the Internal Revenue Code of 1954, and for other purposes.

Dec. 24, 1980
[H.R. 5505]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Internal Revenue Code of 1954, amendment.

SECTION 1. AMENDMENT OF 1954 CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

26 USC 1.

SEC. 2. TRANSFER OF DOMESTIC WINE TO CUSTOMS BONDED WAREHOUSE FOR CERTAIN PURPOSES.

(a) TRANSFER TO CUSTOMS BONDED WAREHOUSE.—Paragraph (4) of section 5362(c) (relating to withdrawals of wine free of tax or without payment of tax) is amended to read as follows:

26 USC 5362.

"(4) without payment of tax for transfer to any customs bonded warehouse;".

(b) WITHDRAWAL FROM CUSTOMS BONDED WAREHOUSES FOR USE OF FOREIGN EMBASSIES, LEGATIONS, ETC.—Section 5362 is amended by adding at the end thereof the following new subsection:

"(e) WITHDRAWAL FROM CUSTOMS BONDED WAREHOUSES FOR USE OF FOREIGN EMBASSIES, LEGATIONS, ETC.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, wine entered into customs bonded warehouses under subsection (c)(4) may, under such regulations as the Secretary may prescribe, be withdrawn from such warehouses for consumption in the United States by and for the official or family use of such foreign governments, organizations, and individuals who are entitled to withdraw imported wines from such warehouses free of tax. Wines transferred to customs bonded warehouses under subsection (c)(4) shall be entered, stored, and accounted for in such warehouses under such regulations and bonds as the Secretary may prescribe, and may be withdrawn therefrom by such governments, organizations, and individuals free of tax under the same conditions and procedures as imported wines.

"(2) WITHDRAWAL FOR DOMESTIC USE.—Wine entered into customs bonded warehouses under subsection (c)(4) for purposes of removal under paragraph (1) may be withdrawn therefrom for domestic use. Wines so withdrawn shall be treated as American goods exported and returned.

"(3) SALE OR UNAUTHORIZED USE PROHIBITED.—Wine withdrawn from customs bonded warehouses or otherwise brought into the United States free of tax for the official or family use of foreign governments, organizations, or individuals authorized to obtain wine free of tax shall not be sold and shall not be disposed of or possessed for any use other than an authorized use. The provi-

26 USC 5043.

sions of paragraphs (1)(B) and (3) of section 5043(a) are hereby extended and made applicable to any person selling, disposing of, or possessing any wine in violation of the preceding sentence, and to the wine involved in any such violation.".

26 USC 5362 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first calendar month which begins more than 90 days after the date of the enactment of this Act.

SEC. 3. EXEMPT STATUS OF AUXILIARIES OF CERTAIN FRATERNAL BENEFICIARY SOCIETIES.

26 USC 501.

(a) GENERAL RULE.—Subsection (i) of section 501 is amended by adding at the end thereof the following new sentence: "The preceding sentence to the extent it relates to discrimination on the basis of religion shall not apply to—

"(1) an auxiliary of a fraternal beneficiary society if such society—

"(A) is described in subsection (c)(8) and exempt from tax under subsection (a), and

"(B) limits its membership to the members of a particular religion, or

"(2) a club which in good faith limits its membership to the members of a particular religion in order to further the teachings or principles of that religion, and not to exclude individuals of a particular race or color.".

26 USC 501 note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after October 20, 1976.

SEC. 4. EXTENSION OF WITHHOLDING TO PAYMENTS OF SICK PAY MADE BY THIRD PARTIES.

26 USC 3402.

(a) GENERAL RULE.—Paragraph (1) of section 3402(o) (relating to extension of withholding to certain payments other than wages) is amended by striking out "and" at the end of subparagraph (A), by adding "and" at the end of subparagraph (B), and by inserting after subparagraph (B) the following new subparagraph:

"(C) any payment to an individual of sick pay which does not constitute wages (determined without regard to this subsection), if at the time the payment is made a request that such sick pay be subject to withholding under this chapter is in effect,".

(b) AMOUNT TO BE DEDUCTED AND WITHHELD.—Subsection (o) of section 3402 is amended by striking out paragraph (3) and inserting in lieu thereof the following new paragraphs:

"(3) AMOUNT WITHHELD FROM ANNUITY PAYMENTS OR SICK PAY.—If a payee makes a request that an annuity or any sick pay be subject to withholding under this chapter, the amount to be deducted and withheld under this chapter from any payment to which such request applies shall be an amount (not less than a minimum amount determined under regulations prescribed by the Secretary) specified by the payee in such request. The amount deducted and withheld with respect to a payment which is greater or less than a full payment shall bear the same relation to the specified amount as such payment bears to a full payment.

"(4) REQUEST FOR WITHHOLDING.—A request that an annuity or any sick pay be subject to withholding under this chapter—

"(A) shall be made by the payee in writing to the person making the payments and shall contain the social security number of the payee, "(B) shall specify the amount to be deducted and withheld from each full payment, and

"(C) shall take effect—

"(i) in the case of sick pay, with respect to payments made more than 7 days after the date on which such request is furnished to the payor, or

"(ii) in the case of an annuity, at such time (after the date on which such request is furnished to the payor) as the Secretary shall by regulations prescribe.

Such a request may be changed or terminated by furnishing to the person making the payments a written statement of change or termination which shall take effect in the same manner as provided in subparagraph (C). At the election of the payor, any such request (or statement of change or revocation) may take effect earlier than as provided in subparagraph (C).

"(5) SPECIAL RULE FOR SICK PAY PAID PURSUANT TO CERTAIN COLLECTIVE-BARGAINING AGREEMENTS.—In the case of any sick pay paid pursuant to a collective-bargaining agreement between employee representatives and one or more employers which contains a provision specifying that this paragraph is to apply to sick pay paid pursuant to such agreement and contains a provision for determining the amount to be deducted and withheld from each payment of such sick pay—

"(A) the requirement of paragraph (1)(C) that a request for withholding be in effect shall not apply, and

"(B) except as provided in subsection (n), the amounts to be deducted and withheld under this chapter shall be determined in accordance with such agreement.

The preceding sentence shall not apply with respect to sick pay paid pursuant to any agreement to any individual unless the social security number of such individual is furnished to the payor and the payor is furnished with such information as is necessary to determine whether the payment is pursuant to the agreement and to determine the amount to be deducted and withheld.".

(c) DEFINITION OF SICK PAY.—Paragraph (2) of section 3402(o) (relating to definitions) is amended by adding at the end thereof the following new subparagraph: 26 USC 3402.

"(C) SICK PAY.—For purposes of this subsection, the term 'sick pay' means any amount which—

"(i) is paid to an employee pursuant to a plan to which the employer is a party, and

"(ii) constitutes remuneration or a payment in lieu of remuneration for any period during which the employee is temporarily absent from work on account of sickness or personal injuries.".

(d) TECHNICAL AMENDMENT.—Subparagraph (B) of section 3402(o)(2) (defining annuity) is amended by striking out ", but only to the extent that the amount is includible in the gross income of such individual".

(e) REPORTING REQUIREMENTS.—Section 6051 (relating to receipts for employees) is amended by adding at the end thereof the following new subsection: 26 USC 6051.

"(f) STATEMENTS REQUIRED IN CASE OF SICK PAY PAID BY THIRD PARTIES.—

"(1) STATEMENTS REQUIRED FROM PAYOR.—

"(A) IN GENERAL.—If, during any calendar year, any person makes a payment of third-party sick pay to an employee, such person shall, on or before January 15 of the succeeding year, furnish a written statement to the employer in respect of whom such payment was made showing—

"(i) the name and, if there is withholding under section 3402(o), the social security number of such employee,

26 USC 3402.

"(ii) the total amount of the third-party sick pay paid to such employee during the calendar year, and

"(iii) the total amount (if any) deducted and withheld from such sick pay under section 3402.

For purposes of the preceding sentence, the term 'third-party sick pay' means any sick pay (as defined in section 3402(o)(2)(C)) which does not constitute wages for purposes of chapter 24 (determined without regard to section 3402(o)(1)).

"Third-party sick pay."
Ante, p. 3497.
26 USC 3401 *et seq.*

"(B) SPECIAL RULES.—

"(i) STATEMENTS ARE IN LIEU OF OTHER REPORTING REQUIREMENTS.—The reporting requirements of subparagraph (A) with respect to any payments shall, with respect to such payments, be in lieu of the requirements of subsection (a) and of section 6041.

26 USC 6041.

"(ii) PENALTIES MADE APPLICABLE.—For purposes of sections 6674 and 7204, the statements required to be furnished by subparagraph (A) shall be treated as statements required under this section to be furnished to employees.

26 USC 6674, 7204.

"(2) INFORMATION REQUIRED TO BE FURNISHED BY EMPLOYER.—Every employer who receives a statement under paragraph (1)(A) with respect to sick pay paid to any employee during any calendar year shall, on or before January 31 of the succeeding year, furnish a written statement to such employee showing—

"(A) the information shown on the statement furnished under paragraph (1)(A), and

"(B) if any portion of the sick pay is excludable from gross income under section 104(a)(3), the portion which is not so excludable and the portion which is so excludable.

26 USC 104.

To the extent practicable, the information required under the preceding sentence shall be furnished on or with the statement (if any) required under subsection (a).".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made on or after the first day of the first calendar month beginning more than 120 days after the date of the enactment of this Act.

26 USC 3402 note.

SEC. 5. RHODE ISLAND INDIAN CLAIMS SETTLEMENT ACT.

(a) IN GENERAL.—The Rhode Island Indian Claims Settlement Act (Public Law 95-395) is amended by adding at the end thereof the following new title:

25 USC 1701 note.

"TITLE II—TAX TREATMENT

"EXEMPTION FROM TAXATION

25 USC 1715.

"SEC. 201. (a) Except as otherwise provided in subsections (b) and (c), the settlement lands received by the State Corporation shall not be subject to any form of Federal, State, or local taxation while held by the State Corporation.

"(b) The exemption provided in subsection (a) shall not apply to any income-producing activities occurring on the settlement lands.

"(c) Nothing in this Act shall prevent the making of payments in lieu of taxes by the State Corporation for services provided in connection with the settlement lands.

"DEFERRAL OF CAPITAL GAINS

"SEC. 202. For purposes of the Internal Revenue Code of 1954, any sale or disposition of private settlement lands pursuant to the terms and conditions of the settlement agreement shall be treated as an involuntary conversion within the meaning of section 1033 of the Internal Revenue Code of 1954.". 25 USC 1716. 26 USC 1. 26 USC 1033.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on September 30, 1978. 25 USC 1715 note.

Approved December 24, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-545 (Comm. on Ways and Means).
SENATE REPORT No. 96-1033 (Comm. on Finance).
CONGRESSIONAL RECORD:
Vol. 125 (1979): Oct. 30, considered and passed House.
Vol. 126 (1980): Dec. 13, considered and passed Senate, amended; House agreed to Senate amendments with amendments; Senate agreed to House amendments.

Public Law 96-602
96th Congress

An Act

Dec. 28, 1980
[S. 1803]

To modify the boundary of the Cibola National Forest in the State of New Mexico, and for other purposes.

Cibola National Forest, N. Mex. Boundary modification.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the exterior boundary of the Cibola National Forest in New Mexico is hereby modified to include an area of approximately fourteen thousand four hundred and seventy-six acres as shown on United States Department of Agriculture, Forest Service map entitled "Boundary Modification, Cibola National Forest", dated April 1980.

SEC. 2. Subject to valid existing rights, all lands owned by the United States in the areas described in section 1 of this Act are hereby added to the Cibola National Forest, and shall be administered in accordance with the laws, rules, and regulations applicable thereto.

16 USC 460*l*-9.

SEC. 3. For the purpose of section 6 (renumbered section 7 by the Act of July 11, 1972, 86 Stat. 459) of the Land and Water Conservation Fund Act of 1965 (78 Stat. 903 as amended; 16 U.S.C. 4601-9 (1976)) the boundary of the Cibola National Forest, as modified by section 1 of this Act, shall be treated as if it were the boundary of that forest on January 1, 1965.

20 USC 238 note.

SEC. 4. The Act of March 14, 1978 (92 Stat. 154), is amended as follows:

(a) In section 1(a), in the first sentence, delete the phrase "two-year", and change "September 30, 1980" to "September 30, 1985"; and

Appropriation authorization.

(b) In section 1(c) strike the second sentence in its entirety and insert the following: "There is authorized to be appropriated an amount not to exceed $1,500,000 annually for fiscal years 1979 through 1982 to carry out the provisions of this Act: *Provided*, That any appropriations made pursuant to this Act shall be reduced by the amount of any payments made to said districts pursuant to the Acts of September 23, 1950 (64 Stat. 906), as amended (20 U.S.C. 631 et seq.), and September 30, 1950 (64 Stat. 1100), as amended (20 U.S.C. 236 et seq.). For the authorizations made in this subsection, any amounts authorized but not appropriated in any fiscal year shall remain available for appropriation in succeeding fiscal years.".

SEC. 5. (a) The Secretary of the Army, acting through the Chief of Engineers, is prohibited from taking any legal or administrative action in connection with the operation and maintenance of the Conchas Lake project, New Mexico, seeking to remove improvements, including dwelling, that are presently located within the flowage easement below elevation 4,220 feet mean sea level: *Provided*, That this prohibition shall not be construed as creating any liability in the United States, or any of its officers, agents, or assigns, for any injury, loss, or damage accruing to the owners of such improvements, their leasees or occupants, as a result of any flooding or inundation of such improvements by the waters of the reservoir, or for such injury, loss, or damage as may occur through the operation and maintenance of the dam and reservoir in any manner.

(b)(1) The Secretary of the Army is prohibited from determining the forty-five-acre cabin site in the south recreation area at Conchas Lake, New Mexico, to be excess of project needs prior to 1996, unless such a determination is agreed to by the Governor of the State of New Mexico or his designee.

(2) The Secretary of the Army shall not require the removal or sale and purchase of existing cabins, cottages, or other privately owned improvements located on the site referred to in paragraph (1) of this subsection prior to 1996, unless agreed to by the Governor of the State of New Mexico or his designee. Existing and prospective lease arrangements shall reflect the requirements of this section.

SEC. 6. (a) The Secretary of the Treasury shall pay out of any funds in the Treasury, not otherwise appropriated, to the estate of Demetrio Madrid or into a court of competent jurisdiction, for distribution to such persons as shall be lawfully entitled thereto, the sum of $21,054.

(b) Upon payment being made as provided in subsection (a), the United States and all officers and employees thereof shall be forever released and discharged of and from any and all claims at law or in equity, if any, arising out of or in any way connected with the erroneous inclusion of certain lands in homestead entry and patent numbered 323419, issued on April 3, 1913, to Demetrio Madrid, a resident of New Mexico.

(c) No amount in excess of 10 per centum of any payment referred to in this section shall be paid to or received by any agent or attorney in consideration for services rendered in connection with such payment. Any violation of this subsection shall be a misdemeanor and any person convicted thereof shall be fined not more than $1,000.

SEC. 7. Any mining claim located under the Mining Laws of the United States subsequent to June 18, 1879, and prior to January 17, 1969, in the northwest quarter of the northwest quarter of section 9, township 1 north, range 5 east of the Gila and Salt River base and

meridian, State of Arizona, shall be effective to the same extent in all respects as if such lands at the time of location, and at all times thereafter had been open to the operation of the Mining Laws of the United States: *Provided, however,* That the claimants have complied with all requirements of the Mining Laws of the United States, including section 314 of the Federal Land Policy and Management Act of 1976 and that the claims would be subject to any valid intervening rights by private parties under the laws of the United States. 43 USC 1744.

Approved December 28, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1465 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 96-661 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 126 (1980):
  June 6, considered and passed Senate.
  Dec. 9, considered and passed House, amended.
  Dec. 12, Senate agreed to House amendment.

Public Law 96-603
96th Congress

An Act

To amend the Internal Revenue Code of 1954 to simplify private foundation return and reporting requirements, and for other purposes.

Dec. 28, 1980
[H.R. 4155]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Internal Revenue Code of 1954, amendment.

SECTION 1. SIMPLIFICATION OF PRIVATE FOUNDATION RETURN AND REPORTING REQUIREMENTS.

(a) Amendment of Section 6033.—Section 6033 of the Internal Revenue Code of 1954 (relating to returns by exempt organizations) is amended by redesignating subsection (c) as subsection (e) and by inserting after subsection (b) the following new subsections:

26 USC 6033.

"(c) Additional Provisions Relating to Private Foundations.—In the case of an organization which is a private foundation (within the meaning of section 509(a))—

26 USC 509.

"(1) the Secretary shall by regulations provide that the private foundation shall include in its annual return under this section such information (not required to be furnished by subsection (b) or the forms or regulations prescribed thereunder) as would have been required to be furnished under section 6056 (relating to annual reports by private foundations) as such section 6056 was in effect on January 1, 1979,

26 USC 6056.

"(2) a copy of the notice required by section 6104(d) (relating to public inspection of private foundations' annual returns), together with proof of publication thereof, shall be filed by the foundation together with the annual return under this section, and

26 USC 6104.

"(3) the foundation managers shall furnish copies of the annual return under this section to such State officials, at such times, and under such conditions, as the Secretary may by regulations prescribe.

Nothing in paragraph (1) shall require the inclusion of the name and address of any recipient (other than a disqualified person within the meaning of section 4946) of 1 or more charitable gifts or grants made by the foundation to such recipient as an indigent or needy person if the aggregate of such gifts or grants made by the foundation to such recipient during the year does not exceed $1,000.

26 USC 4946.

"(d) Section To Apply to Nonexempt Charitable Trusts and Nonexempt Private Foundations.—The following organizations shall comply with the requirements of this section in the same manner as organizations described in section 501(c)(3) which are exempt from tax under section 501(a):

26 USC 501.

"(1) Nonexempt charitable trusts.—A trust described in section 4947(a)(1) (relating to nonexempt charitable trusts).

26 USC 4947.

"(2) Nonexempt private foundations.—A private foundation which is not exempt from tax under section 501(a)."

(b) Public Inspection of Private Foundations' Annual Returns.—

26 USC 6104.
26 USC 6033.
26 USC 509.

(1) IN GENERAL.—The first sentence of subsection (d) of section 6104 of such Code (relating to public inspection of private foundations' annual reports) is amended to read as follows: "The annual return required to be filed under section 6033 (relating to returns by exempt organizations) by any organization which is a private foundation within the meaning of section 509(a) shall be made available by the foundation managers for inspection at the principal office of the foundation during regular business hours by any citizen on request made within 180 days after the date of the publication of notice of its availability."

(2) CONFORMING AMENDMENTS.—Such subsection (d) is amended—

(A) by striking out "ANNUAL REPORTS" in the heading and inserting in lieu thereof "ANNUAL RETURNS"; and

(B) by striking out "annual report" each place it appears in the second and third sentences and inserting in lieu thereof "annual return".

26 USC 6056.

(c) REPEAL OF PRIVATE FOUNDATION ANNUAL REPORTING REQUIREMENTS.—Subpart D of part III of subchapter A of chapter 61 of such Code (relating to information concerning private foundations) is hereby repealed.

(d) TECHNICAL AMENDMENTS.—

26 USC 6034.

(1) Section 6034 of such Code (relating to returns by trust described in section 4947(a) or claiming charitable deductions under section 642(c)) is amended—

(A) by striking out "section 4947(a)" in subsection (a) and inserting in lieu thereof "section 4947(a)(2)";

(B) by adding at the end of subsection (b) the following new sentence: "This section shall not apply in the case of a trust described in section 4947(a)(1).";

(C) by striking out "EXCEPTION" in the heading of subsection (b) and inserting in lieu thereof "EXCEPTIONS"; and

(D) by striking out "SECTION 4947(a)" in the section heading and inserting in lieu thereof "SECTION 4947(a)(2)".

26 USC 6652.

(2)(A) The first sentence of section 6652(d)(3) of such Code (relating to annual reports) is amended to read as follows: "In the case of a failure to comply with the requirements of section 6104(d) (relating to public inspection of private foundations' annual returns), on the date and in the manner prescribed therefor (determined with regard to any extension of time for filing), unless it is shown that such failure is due to reasonable cause, there shall be paid (on notice and demand by the Secretary and in the same manner as tax) by the person failing to meet such requirement, $10 for each day during which such failure continues, but the total amount imposed hereunder on all such persons for such failure with respect to any one annual return shall not exceed $5,000."

(B) The heading of paragraph (3) of section 6652(d) of such Code is amended by striking out "REPORTS" and inserting in lieu thereof "RETURNS".

26 USC 6104.

(3) Subsection (b) of section 6104 of such Code (relating to inspection of annual information returns) is amended by striking out "6056,".

26 USC 6685.

(4) Section 6685 of such Code (relating to assessable penalties with respect to private foundation annual reports) is amended to read as follows:

"SEC. 6685. ASSESSABLE PENALTIES WITH RESPECT TO PRIVATE FOUNDATION ANNUAL RETURNS.

"In addition to the penalty imposed by section 7207 (relating to fraudulent returns, statements, or other documents), any person who is required to comply with the requirements of section 6104(d) (relating to private foundations' annual returns) and who fails to so comply with respect to any return, if such failure is willful, shall pay a penalty of $1,000 with respect to each such return." 26 USC 7207. 26 USC 6104.

(5) Section 7207 of such Code (relating to fraudulent returns, statements, or other documents) is amended by striking out "sections 6047 (b) or (c), 6056, or 6104(d)" and inserting in lieu thereof "subsection (b) or (c) of section 6047 or pursuant to subsection (d) of section 6104". 26 USC 7207.

(e) Clerical Amendments.—

(1) The table of sections for subpart A of part III of subchapter A of chapter 61 of such Code is amended by striking out "4947(a)" in the item relating to section 6034 and inserting in lieu thereof "4947(a)(2)".

(2) The table of subparts for part III of subchapter A of chapter 61 of such Code is amended by striking out the item relating to subpart D.

(3) The table of sections for subchapter B of chapter 68 of such Code is amended by striking out "reports" in the item relating to section 6685 and inserting in lieu thereof "returns".

(f) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1980. 26 USC 6033 note.

SEC. 2. ALLOWANCE OF DEDUCTION FOR CERTAIN FOREIGN DEFERRED COMPENSATION PLANS.

(a) Allowance.—Part I of subchapter D of chapter 1 of the Internal Revenue Code of 1954 (relating to pension, profit sharing, stock bonus plans, etc.) is amended by inserting after section 404 the following new section:

"SEC. 404A. DEDUCTION FOR CERTAIN FOREIGN DEFERRED COMPENSATION PLANS.

26 USC 404A.

"(a) General Rule.—Amounts paid or accrued by an employer under a qualified foreign plan—

"(1) shall not be allowable as a deduction under section 162, 212, or 404, but 26 USC 162, 212, 404.

"(2) if they satisfy the conditions of section 162, shall be allowed as a deduction under this section for the taxable year for which such amounts are properly taken into account under this section.

"(b) Rules for Qualified Funded Plans.—For purposes of this section—

"(1) In general.—Except as otherwise provided in this section, in the case of a qualified funded plan contributions are properly taken into account for the taxable year in which paid.

"(2) Payment after close of taxable year.—For purposes of paragraph (1), a payment made after the close of a taxable year shall be treated as made on the last day of such year if the payment is made—

"(A) on account of such year, and

"(B) not later than the time prescribed by law for filing the return for such year (including extensions thereof).

"(3) LIMITATIONS.—In the case of a qualified funded plan, the amount allowable as a deduction for the taxable year shall be subject to—

"(A) in the case of—

"(i) a plan under which the benefits are fixed or determinable, limitations similar to those contained in clauses (ii) and (iii) of subparagraph (A) of section 404(a)(1) (determined without regard to the last sentence of such subparagraph (A)), or

26 USC 404.

"(ii) any other plan, limitations similar to the limitations contained in paragraph (3) of section 404(a), and

"(B) limitations similar to those contained in paragraph (7) of section 404(a).

"(4) CARRYOVER.—If—

"(A) the aggregate of the contributions paid during the taxable year reduced by any contributions not allowable as a deduction under paragraphs (1) and (2) of subsection (g), exceeds

"(B) the amount allowable as a deduction under subsection (a) (determined without regard to subsection (d)),

such excess shall be treated as an amount paid in the succeeding taxable year.

"(5) AMOUNTS MUST BE PAID TO QUALIFIED TRUST, ETC.—In the case of a qualified funded plan, a contribution shall be taken into account only if it is paid—

"(A) to a trust (or the equivalent of a trust) which meets the requirements of section 401(a)(2),

26 USC 401.

"(B) for a retirement annuity, or

"(C) to a participant or beneficiary.

"(c) RULES RELATING TO QUALIFIED RESERVE PLANS.—For purposes of this section—

"(1) IN GENERAL.—In the case of a qualified reserve plan, the amount properly taken into account for the taxable year is the reasonable addition for such year to a reserve for the taxpayer's liability under the plan. Unless otherwise required or permitted in regulations prescribed by the Secretary, the reserve for the taxpayer's liability shall be determined under the unit credit method modified to reflect the requirements of paragraphs (3) and (4). All benefits paid under the plan shall be charged to the reserve.

"(2) INCOME ITEM.—In the case of a plan which is or has been a qualified reserve plan, an amount equal to that portion of any decrease for the taxable year in the reserve which is not attributable to the payment of benefits shall be included in gross income.

"(3) RIGHTS MUST BE NONFORFEITABLE, ETC.—In the case of a qualified reserve plan, an item shall be taken into account for a taxable year only if—

"(A) there is no substantial risk that the rights of the employee will be forfeited, and

"(B) such item meets such additional requirements as the Secretary may by regulations prescribe as necessary or appropriate to ensure that the liability will be satisfied.

"(4) SPREADING OF CERTAIN INCREASES AND DECREASES IN RESERVES.—There shall be amortized over a 10-year period any increase or decrease to the reserve on account of—

"(A) the adoption of the plan or a plan amendment,

"(B) experience gains and losses, and

"(C) any change in actuarial assumptions, "(D) changes in the interest rate under subsection (g)(3)(B), and

"(E) such other factors as may be prescribed by regulations.

"(d) AMOUNTS TAKEN INTO ACCOUNT MUST BE CONSISTENT WITH AMOUNTS ALLOWED UNDER FOREIGN LAW.—

"(1) GENERAL RULE.—In the case of any plan, the amount allowed as a deduction under subsection (a) for any taxable year shall equal—

"(A) the lesser of—

"(i) the cumulative United States amount, or

"(ii) the cumulative foreign amount, reduced by

"(B) the aggregate amount determined under this section for all prior taxable years.

"(2) CUMULATIVE AMOUNTS DEFINED.—For purposes of paragraph (1)—

"(A) CUMULATIVE UNITED STATES AMOUNT.—The term 'cumulative United States amount' means the aggregate amount determined with respect to the plan under this section for the taxable year and for all prior taxable years to which this section applies. Such determination shall be made for each taxable year without regard to the application of paragraph (1).

"(B) CUMULATIVE FOREIGN AMOUNT.—The term 'cumulative foreign amount' means the aggregate amount allowed as a deduction under the appropriate foreign tax laws for the taxable year and all prior taxable years to which this section applies.

"(3) EFFECT ON EARNINGS AND PROFITS, ETC.—In determining the earnings and profits and accumulated profits of any foreign corporation with respect to a qualified foreign plan, the amount determined under paragraph (1) with respect to any plan for any taxable year shall in no event exceed the amount allowed as a deduction under the appropriate foreign tax laws for such taxable year.

"(e) QUALIFIED FOREIGN PLAN.—For purposes of this section, the term 'qualified foreign plan' means any written plan of an employer for deferring the receipt of compensation but only if—

"(1) such plan is for the exclusive benefit of the employer's employees or their beneficiaries,

"(2) 90 percent or more of the amounts taken into account for the taxable year under the plan are attributable to services—

"(A) performed by nonresident aliens, and

"(B) the compensation for which is not subject to tax under this chapter, and

"(3) the employer elects (at such time and in such manner as the Secretary shall by regulations prescribe) to have this section apply to such plan.

"(f) FUNDED AND RESERVE PLANS.—For purposes of this section—

"(1) QUALIFIED FUNDED PLAN.—The term 'qualified funded plan' means a qualified foreign plan which is not a qualified reserve plan.

"(2) QUALIFIED RESERVE PLAN.—The term 'qualified reserve plan' means a qualified foreign plan with respect to which an election made by the taxpayer is in effect for the taxable year. An election under the preceding sentence shall be made in such manner and form as the Secretary may by regulations prescribe and, once made, may be revoked only with the consent of the Secretary.

"(g) OTHER SPECIAL RULES.—

"(1) NO DEDUCTION FOR CERTAIN AMOUNTS.—Except as provided in section 404(a)(5), no deduction shall be allowed under this section for any item to the extent such item is attributable to services— 26 USC 404.

"(A) performed by a citizen or resident of the United States who is an officer, shareholder, or highly compensated, or

"(B) performed in the United States the compensation for which is subject to tax under this chapter.

"(2) TAXPAYER MUST FURNISH INFORMATION.—

Deductions.

"(A) IN GENERAL.—No deduction shall be allowed under this section with respect to any plan for any taxable year unless the taxpayer furnishes to the Secretary with respect to such plan (at such time as the Secretary may by regulations prescribe)—

"(i) a statement from the foreign tax authorities specifying the amount of the deduction allowed in computing taxable income under foreign law for such year with respect to such plan,

"(ii) if the return under foreign tax law shows the deduction for plan contributions or reserves as a separate, identifiable item, a copy of the foreign tax return for the taxable year, or

"(iii) such other statement, return, or other evidence as the Secretary prescribes by regulation as being sufficient to establish the amount of the deduction under foreign law.

"(B) REDETERMINATION WHERE FOREIGN TAX DEDUCTION IS ADJUSTED.—If the deduction under foreign tax law is adjusted, the taxpayer shall notify the Secretary of such adjustment on or before the date prescribed by regulations, and the Secretary shall redetermine the amount of the tax for the year or years affected. In any case described in the preceding sentence, rules similar to the rules of subsection (c) of section 905 shall apply. 26 USC 905.

"(3) ACTUARIAL ASSUMPTIONS MUST BE REASONABLE; FULL FUNDING.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), principles similar to those set forth in paragraphs (3) and (7) of section 412(c) shall apply for purposes of this section. 26 USC 412.

"(B) INTEREST RATE FOR RESERVE PLAN.—

"(i) IN GENERAL.—In the case of a qualified reserve plan, in lieu of taking rates of interest into account under subparagraph (A), the rate of interest for the plan shall be the rate selected by the taxpayer which is within the permissible range.

"(ii) RATE REMAINS IN EFFECT SO LONG AS IT FALLS WITHIN PERMISSIBLE RANGE.—Any rate selected by the taxpayer for the plan under this subparagraph shall remain in effect for such plan until the first taxable year for which such rate is no longer within the permissible range. At such time, the taxpayer shall select a new rate of interest which is within the permissible range applicable at such time.

"(iii) PERMISSIBLE RANGE.—For purposes of this subparagraph, the term 'permissible range' means a rate of interest which is not more than 20 percent above, and not more than 20 percent below, the average rate of interest for long-term corporate bonds in the appropriate country for the 15-year period ending on the last day before the beginning of the taxable year.

"(4) ACCOUNTING METHOD.—Any change in the method (but not the actuarial assumptions) used to determine the amount allowed as a deduction under subsection (a) shall be treated as a change in accounting method under section 446(e). 26 USC 446.

"(5) SECTION 481 APPLIES TO ELECTION.—For purposes of section 481, any election under this section shall be treated as a change in the taxpayer's method of accounting. In applying section 481 with respect to any such election, the period for taking into account any increase or decrease in accumulated profits, earnings and profits or taxable income resulting from the application of section 481(a)(2) shall be the year for which the election is made and the fourteen succeeding years. 26 USC 481.

"(h) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section (including regulations providing for the coordination of the provisions of this section with section 404 in the case of a plan which has been subject to both of such sections)." 26 USC 404.

(b) AMENDMENTS OF SECTION 679(a).—Subsection (a)(1) of section 679 of such Code (relating to foreign trusts having one or more United States beneficiaries) is amended by adding the phrase "Or section 404A" immediately after the phrase "section 404(a)(4)". 26 USC 679.

(c) TAXPAYER MUST NOTIFY SECRETARY WHERE THERE IS A REDETERMINATION OF TAX, ETC., UNDER FOREIGN LAW.—

(1) AMENDMENT OF SECTION 905(c).—Subsection (c) of section 905 of such Code (relating to adjustments on payment of accrued taxes) is amended by adding at the end thereof the following new sentence: "The preceding sentence shall not apply (with respect to any period after the refund or adjustment in the foreign taxes) if the taxpayer fails to notify the Secretary (on or before the date prescribed by regulations for giving such notice) unless it is shown that such failure is due to reasonable cause and not due to willful neglect." 26 USC 905.

(2) CIVIL PENALTY FOR FAILURE TO NOTIFY.—Subchapter B of chapter 68 of such Code (relating to assessable penalties) is amended by inserting after section 6688 the following new section:

"SEC. 6689. FAILURE TO FILE NOTICE OF REDETERMINATION OF FOREIGN TAX.

26 USC 6689.

"(a) CIVIL PENALTY.—If the taxpayer fails to notify the Secretary (on or before the date prescribed by regulations for giving such notice) of a foreign tax redetermination, unless it is shown that such failure is due to reasonable cause and not due to willful neglect, there shall be added to the deficiency attributable to such redetermination an amount (not in excess of 25 percent of the deficiency) determined as follows—

"(1) 5 percent of the deficiency if the failure is for not more than 1 month, with

"(2) an additional 5 percent of the deficiency for each month (or fraction thereof) during which the failure continues.

"(b) Foreign Tax Redetermination Defined.—For purposes of this section, the term 'foreign tax redetermination' means any redetermination for which a notice is required under subsection (c) of section 905 or paragraph (2) of section 404A(g)."

26 USC 905, *Ante*, p. 3505.

(d) Clerical Amendments.—

(1) The table of sections for part I of subchapter D of chapter 1 of such Code is amended by inserting after the item relating to section 404 the following new item:

"Sec. 404A. Deduction for certain foreign deferred compensation plans."

(2) The table of sections for subchapter B of chapter 68 of such Code is amended by inserting after the item relating to section 6688 the following new item:

"Sec. 6689. Failure to file notice of redetermination of foreign tax."

26 USC 404A note.

(e) Effective Date.—

(1) In general.—The amendments made by this section shall apply with respect to employer contributions or accruals for taxable years beginning after December 31, 1979.

(2) Election to apply amendments retroactively with respect to foreign subsidiaries.—

(A) In general.—The taxpayer may elect to have the amendments made by this section apply retroactively with respect to its foreign subsidiaries.

(B) Scope of retroactive application.—Any election made under this paragraph shall apply with respect to all foreign subsidiaries of the taxpayer for the taxpayer's open period.

(C) Distributions by foreign subsidiary must be out of post-1971 earnings and profits.—The election under this paragraph shall apply to distributions made by a foreign subsidiary only if made out of accumulated profits (or earnings and profits) earned after December 31, 1970.

(D) Revocation only with consent.—An election under this paragraph may be revoked only with the consent of the Secretary of the Treasury or his delegate.

(E) Open period.—For purposes of this subsection, the term "open period" means, with respect to any taxpayer, all taxable years which begin before January 1, 1980, and which begin after December 31, 1971, and for which, on December 31, 1980, the making of a refund, or the assessment of a deficiency, was barred by any law or rule of law.

(3) Allowance of prior deductions in case of certain funded branch plans.—

(A) In general.—If—

(i) the taxpayer elects to have this paragraph apply, and

(ii) the taxpayer agrees to the assessment of all deficiencies (including interest thereon) arising from all erroneous deductions,

then an amount equal to $\frac{1}{15}$th of the aggregate of the prior deductions which would have been allowable if the amendments made by this section applied to taxable years beginning before January 1, 1980, shall be allowed as a deduction for the taxpayer's first taxable year beginning in 1980, and an equal amount shall be allowed for each of the succeeding 14 taxable years.

(B) Prior deduction.—For purposes of subparagraph (A), the term "prior deduction" means a deduction with respect to a qualified funded plan (within the meaning of section 404A(f)(1) of the Internal Revenue Code of 1954) of the taxpayer—

Ante, p. 3505.

(i) which the taxpayer claimed for a taxable year (or could have claimed if the amendments made by this section applied to taxable years beginning before January 1, 1980) beginning before January 1, 1980,

(ii) which was not allowable, and

(iii) with respect to which, on December 1, 1980, the assessment of a deficiency was not barred by any law or rule of law.

(4) TIME AND MANNER FOR MAKING ELECTIONS.—

(A) TIME.—An election under paragraph (2) or (3) may be made only on or before the due date (including extensions) for filing the taxpayer's return of tax under chapter 1 of the Internal Revenue Code of 1954 for its first taxable year ending on or after December 31, 1980.

26 USC 1 *et seq.*

(B) MANNER.—An election under paragraph (2) may be made only by a statement attached to the taxpayer's return for its first taxable year ending on or after December 31, 1980. An election under paragraph (3) may be made only if the taxpayer, on or before the last day for making the election, files with the Secretary of the Treasury or his delegate such amended return and such other information as the Secretary of the Treasury or his delegate may require, and agrees to the assessment of a deficiency for any closed year falling within the open period, to the extent such deficiency is attributable to the operation of such election.

SEC. 3. TREATMENT OF TRANSFERS OF PROVEN OIL OR GAS PROPERTIES BY INDIVIDUALS TO CORPORATIONS.

(a) IN GENERAL.—Subsection (c) of section 613A of the Internal Revenue Code of 1954 (relating to exemption for independent producers and royalty owners) is amended by redesignating paragraphs (10) and (11) as paragraphs (11) and (12), respectively, and by inserting after paragraph (9) the following new paragraph:

26 USC 613A.

"(10) TRANSFERS BY INDIVIDUALS TO CORPORATIONS.—

"(A) IN GENERAL.—Paragraph (9)(A) shall not apply to a transfer by an individual of qualified property to a qualified transferee corporation solely in exchange for stock in such corporation.

"(B) 1,000-BARREL LIMIT FOR CORPORATION.—A tentative quantity shall be determined for the qualified transferee corporation under this subsection.

"(C) TRANSFEROR'S TENTATIVE QUANTITY REDUCED.—

"(i) IN GENERAL.—The tentative quantity for the transferor (and his family) for any period shall be reduced by the transferor's pro rata share of the corporation's depletable quantity for such period.

"(ii) PRO RATA SHARE.—For purposes of clause (i), a transferor's pro rata share for any period shall be—

"(I) in the case of production from property to which subparagraph (A) applies, that portion of the corporation's depletable quantity which is allocable to production from such property, and

"(II) in the case of production from all other property, that portion of the corporation's depletable quantity which is allocable to the production from such property, multiplied by a fraction the numerator of which is the fair market value of the transferor's stock in the corporation, and the denominator of which is the fair market value of all stock in the corporation.

"(iii) DEPLETABLE QUANTITY.—For purposes of this paragraph, a corporation's depletable quantity for any period in the lesser of—

"(I) such corporation's tentative quantity for such period (determined under paragraphs (3) and (8)), or

"(II) such corporation's average daily production for such period.

"(D) QUALIFIED TRANSFEREE CORPORATION DEFINED.—For purposes of this paragraph, the term 'qualified transferee corporation' means a corporation all of the outstanding stock of which has been issued to individuals solely in exchange for qualified property held by such individuals.

"(E) QUALIFIED PROPERTY DEFINED.—For purposes of this paragraph, the term 'qualified property' means oil or gas property with respect to which—

"(i) there has been no prior transfer to which paragraph (9)(A) applied, and

"(ii) the transferor has made an election to have this paragraph apply.

The term also includes cash (not to exceed $1,000 in the aggregate) which one or more individuals transfer to the corporation.

"(F) TRANSFEROR MUST RETAIN STOCK DURING LIFETIME.—If at any time during his lifetime any transferor disposes of stock in the corporation (other than to a member of his family), then the depletable quantity of the corporation (determined without regard to this subparagraph) shall be reduced (for all periods on or after the date of the disposition) by an amount which bears the same ratio to such quantity as the fair market value of the stock so disposed of bears to the aggregate fair market value of all stock of the corporation on such date of disposition.

"(G) SPECIAL RULES RELATING TO FAMILY OF TRANSFEROR.—

"(i) IN GENERAL.—For purposes of this paragraph—

"(I) the issuance of stock to a member of the family of the transferor shall be treated as issuance of stock to the transferor, and

"(II) during the lifetime of the transferor, stock transferred to a member of the family of the transferor shall be treated as held by the transferor.

If stock described in the preceding sentence ceases to be held by a member of the family of the transferor, the transferor shall be treated as having disposed of such stock at the time of such cessation.

"(ii) FAMILY DEFINED.—For purposes of this paragraph, the members of the family of an individual include only his spouse and minor children.

"(H) PROPERTY SUBJECT TO LIABILITIES.—For purposes of this paragraph, section 357 shall be applied as if— 26 USC 357.

"(i) references to section 351 include references to subparagraph (A) of this paragraph, and 26 USC 351.

"(ii) the reference in subsection (a)(1) of section 357 to the nonrecognition of gain includes a reference to the nonapplication of paragraph (9)(A) of this subsection. 26 USC 357.

"(I) ELECTION.—A transferor may make an election under this paragraph only in such manner as the Secretary may by regulations prescribe and only on or before the due date (including extensions) for filing the return of the corporation of the taxes imposed by this chapter for the corporation's first taxable year ending after the date of the transfer (or, if later, after the date of the enactment of this paragraph).

"(J) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this paragraph."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to transfers in taxable years ending after December 31, 1974, but only for purposes of applying section 613A of the Internal Revenue Code of 1954 to periods after December 31, 1979. 26 USC 613A note. 26 USC 613A.

SEC. 4. CREDITS ALLOWABLE AGAINST MINIMUM TAX.

(a) ALLOWANCE OF CREDIT.—

(1) IN GENERAL.—Paragraph (1) of section 55(c) (relating to credits allowable against alternative minimum tax) is amended to read as follows: 26 USC 55.

"(1) IN GENERAL.—For purposes of—

"(A) determining the amount of any credit allowable under subpart A of part IV of this subchapter (other than the foreign tax credit allowable under section 33(a)) against the tax imposed by subsection (a), the tax imposed by subsection (a) shall be treated as a tax imposed by this chapter only to the extent of the amount which would be determined under subsection (a)(1) if the alternative minimum taxable income was reduced by the sum of— 26 USC 31. 26 USC 33.

"(i) the net capital gain, and

"(ii) the adjusted itemized deductions, and

"(B) determining the amount of any such credit (including the credit allowable under section 33(a)) against the tax imposed by this chapter (other than the tax imposed by this section) for the current taxable year, this section shall be disregarded."

(2) METHOD OF DETERMINING CREDITS TAKEN INTO ACCOUNT.—Section 55(c) is amended by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively, and by inserting after paragraph (1) the following new paragraph: 26 USC 55.

"(2) RULES FOR DETERMINING AMOUNT OF CREDIT ALLOWABLE.—For purposes of determining the amount of any credit under subpart A of part IV of this subchapter (other than the credits imposed by sections 31, 39, and 43) which can be taken against the tax imposed by subsection (a)— 26 USC 31. 26 USC 31, 39, 43.

"(A) the amount of such credit shall be increased by an amount equal to the lesser of—

"(i) the amount of such credit allowable in computing the regular tax for the current taxable year, or

"(ii) the excess of—

"(I) the amount of the tax imposed by subsection (a), over

"(II) the sum of the amounts determined under this subparagraph with respect to credits allowed under a section of such subpart having a higher number designation than such credit (other than the credits allowable by sections 31, 39, and 43), and

26 USC 31, 39, 43.
26 USC 38, 40, 44B.

"(B) in the case of any credit under section 38, 40, or 44B, such credit shall be reduced, under regulations prescribed by the Secretary, by that portion of such credit which is not attributable to an active trade or business of the taxpayer."

26 USC 55.

(3) Paragraph (4) of section 55(c) (relating to carryover and carryback of certain credits), as redesignated by paragraph (2), is amended to read as follows:

"(4) Carryover and carryback of certain credits.—

"(A) In general.—For purposes of determining the amount of any carryover or carryback to any other taxable year of any credit allowable under subpart A of part IV of this subchapter (other than section 33), the amount of the limitation under section 44E(e)(1), 44C(b) (1) and (2), 53(b), 50A(a)(2), or 46(a)(3) (to the exent such limitation does not exceed the amount of the credit allowable in computing the regular tax for the current taxable year) shall be increased for the current taxable year by the amount determined under subparagraph (A) of paragraph (1) of this subsection, and decreased by—

26 USC 31, 33.
26 USC 44E, 44C, 53.
26 USC 50A, 46.

"(i) the sum of the credits allowed under a section having a lower number designation than the section allowing such credit (other than the credits allowable by sections 31, 33, 39, and 43) against the tax imposed by subsection (a), and

26 USC 31, 33, 39, 43.

"(ii) the amount determined with respect to such credit under paragraph (2)(B) for the current taxable year.

"(B) Amount of credit.—Any increase under paragraph (2)(A) shall be taken into account in determining the amount of any carryover or carryback from the current taxable year."

(b) Technical and Conforming Amendments.—

26 USC 55.
26 USC 33.

(1) Paragraph (2) of section 55(b) (defining regular tax) is amended by striking out "credit allowable under section 33" and inserting in lieu thereof "credits allowable under such subpart".

(2) Paragraph (3) of section 55(c) (relating to foreign tax credit), as redesignated by subsection (a)(2), is amended—

(A) by striking out subparagraph (B) and redesignating subparagraphs (C), (D), and (E) as subparagraphs (B), (C), and (D), respectively;

(B) by striking out "subparagraph (C)" in subparagraphs

(C) and (D)(i), as so redesignated, and inserting in lieu thereof "subparagraph (B)"; and

(C) by striking out clause (ii) of subparagraph (D), as so redesignated, and inserting in lieu thereof the following:

"(ii) any increase under paragraph (2)(A) shall be taken into account."

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1979.

26 USC 55 note.

Approved December 28, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1044 (Comm. on Ways and Means).
SENATE REPORT No. 96-1039 (Comm. on Finance).
CONGRESSIONAL RECORD, Vol. 126 (1980):
June 17, considered and passed House.
Dec. 13, considered and passed Senate, amended; House agreed to Senate amendments with amendments; Senate agreed to House amendments.

Public Law 96-604
96th Congress

An Act

Dec. 28, 1980
[H.R. 7112]

To authorize an extension and amendment of the revenue sharing program to provide general purpose fiscal assistance to local governments, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

State and Local Fiscal Assistance Act Amendments of 1980.
31 USC 1221 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "State and Local Fiscal Assistance Act Amendments of 1980".

SEC. 2. EXTENSION OF PROGRAM.

31 USC 1224.

(a) AUTHORIZATION OF APPROPRIATIONS FOR LOCAL SHARE.—Section 105(c)(1) of the State and Local Fiscal Assistance Act of 1972 is amended by adding at the end thereof the following: "In addition, there are authorized to be appropriated to the Trust Fund to pay the entitlements of units of local government hereinafter provided $4,566,700,000 for each of the entitlement periods beginning October 1 of 1980, 1981, and 1982.".

(b) STATE SHARE PROVISIONS.—

(1) AUTHORIZATION OF STATE SHARE APPROPRIATIONS.—Section 105 of the State and Local Fiscal Assistance Act of 1972 is further amended by redesignating subsection (d) as subsection (e) and by inserting immediately before such subsection the following new subsection:

"(d) AUTHORIZATION OF APPROPRIATIONS FOR ALLOCATIONS TO STATE GOVERNMENTS.—

"(1) IN GENERAL.—In the case of each entitlement period described in paragraph (2), there are authorized to be appropriated to the Trust Fund $2,300,000,000 for each such entitlement period to make allocations to State governments in accordance with section 107(a)(2).

31 USC 1226.

"(2) ENTITLEMENT PERIODS.—The following entitlement periods are described in this paragraph:

"(A) The entitlement period beginning October 1, 1981, and ending September 30, 1982; and

"(B) The entitlement period beginning October 1, 1982, and ending September 30, 1983.".

31 USC 1226.

(2) STATE SHARE ALLOCATION.—Subsection (a) of section 107 of the State and Local Fiscal Assistance Act of 1972 is amended to read as follows:

"(a) DIVISION BETWEEN STATE AND LOCAL GOVERNMENTS.—

"(1) ENTITLEMENT ALLOCATIONS.—

"(A) STATE GOVERNMENT SHARE.—The State government shall be entitled to receive—

"(i) one-third of the amount allocated to that State under section 106 for each entitlement period ending before October 1, 1980; and "(ii) no part of such amount for any entitlement period beginning on or after October 1, 1980.

"(B) LOCAL GOVERNMENT SHARE.—Of the amount allocated to a State under section 106— 31 USC 1225.

"(i) for an entitlement period ending before October 1, 1980, two-thirds shall be allocated, as provided in section 108, among the units of local government of that State; and 31 USC 1227.

"(ii) for any entitlement period beginning on or after October 1, 1980, all of such amount shall be allocated, as provided in section 108, among the units of local government of that State.

"(2) NONENTITLEMENT ALLOCATION TO STATES.—From any amount appropriated pursuant to section 105(d) for any entitlement period described in section 105(d)(2), there shall be allocated to each State government an amount which bears the same ratio to the amount so appropriated for that period as the amount allocable to that State under section 106(b) bears to the sum of the amounts allocable to all States under section 106(b), except that (A) no payment of any such allocation shall be made to any State unless the Secretary determines (in accordance with regulations prescribed by the Secretary) that such State has declined to receive or has refunded to the United States, from funds otherwise available to such State under any Federal categorical grant program (as identified in such regulations), an amount equal to such allocation, and (B) any funds which would otherwise be paid to a State but for clause (A) shall be transferred by the Secretary from the Trust Fund to the general fund of the Treasury in accordance with section 105(d).". 31 USC 1224. 31 USC 1225.

(c) CONFORMING AMENDMENTS.—

(1) PAYMENTS.—Section 102(a)(1) of the Act is amended by striking out "the entitlement" and inserting in lieu thereof "the allocation, if any,". 31 USC 1221.

(2) ADJUSTMENT OF LOCAL GOVERNMENT ENTITLEMENTS.—Section 108 of the Act is amended— 31 USC 1227.

(A) by striking out "two-thirds of" in subsection (b)(6)(B);

(B) by striking out subparagraph (C) of subsection (b)(7) and inserting in lieu thereof the following:

"(C) ADJUSTMENT FOR APPLICATION OF LIMITATION.—In any case in which the amount allocated to a unit of local government is reduced under paragraph (6)(C) by the Secretary, the amount of that reduction—

"(i) in the case of a unit of local government (other than a county government), shall be added to and increase the allocation of the county government of the county area in which it is located, unless (on account of the application of paragraph (6)) that county government may not receive it, in which case the amount of the reduction shall be reallocated in accordance with subparagraph (D); and

"(ii) in the case of a county government, shall be reallocated in accordance with subparagraph (D).

"(D) REALLOCATION OF EXCESS AMOUNTS.—Amounts reallocated under this subparagraph shall be added to and increase the entitlements—

"(i) first, of units of local government within the State, to the extent that such units may (after the application of paragraph (6)) receive such a reallocation, and

"(ii) then, if no unit of local government may receive such an allocation on account of the application of paragraph (6), among all units of local government within the State on a pro rata basis.";

(C) by striking out "September 30, 1980" in subsection (c)(1)(C) and inserting in lieu thereof "September 30, 1983"; and

(D) by adding at the end of subsection (e) the following new paragraph:

"(5) RULE FOR PERIODS FOR WHICH THERE IS NO STATE GOVERNMENT AMOUNT.—For the entitlement period beginning October 1, 1980, and for any entitlement period for which the amounts authorized by section 105(d) are not appropriated, this subsection shall be applied—

31 USC 1224.

"(A) by substituting '13.5 percent' for '15 percent' in the first sentence of paragraph (1),

"(B) by substituting '6.75 percent' for '7.5 percent' in the second sentence of paragraph (1),

"(C) without regard to the words 'one half of' in the first sentence of paragraph (2),

"(D) by substituting '6.75 percent' for '3.75 percent' in the second sentence of paragraph (2), and

"(E) without regard to paragraph (3) or (4).".

31 USC 1261.

(3) DEFINITION OF ENTITLEMENT PERIOD.—Section 141(b) of the Act is amended by inserting at the end thereof the following new paragraph:

"(8) The one-year periods beginning on October 1 of 1980, 1981, and 1982.".

31 USC 1263.

(4) JUDICIAL REVIEW.—Section 143(a) of the Act is amended by striking out "State which receives a notice of reduction in entitlement under section 107(b), and any".

31 USC 1226.
31 USC 1228.

(d) POPULATION DATA.—Paragraph (1) of section 109(a) of the State and Local Fiscal Assistance Act of 1972 is amended to read as follows:

"(1) POPULATION.—

"(A) IN GENERAL.—Population shall be determined on the same basis as resident population is determined by the Bureau of the Census for general statistical purposes.

"(B) UNDERCOUNT ADJUSTMENT.—The Secretary shall request the Bureau of the Census to adjust the population data provided under subparagraph (A), as soon as practicable to include a reasonable estimate of the number of resident persons not counted in the 1980 census or subsequent revisions thereof. The Secretary shall use such estimates in the calculation of allocations for the next entitlement period beginning after receipt of such estimates.".

31 USC 1241.

(e) TRANSITION PROVISION.—Section 121(c)(2) of the Act is amended by adding at the end thereof the following new sentence: "For the entitlement period beginning on October 1, 1980, and ending September 30, 1981, a State government or unit of local government shall not be deemed to be in violation of the requirements of subsection (b) or paragraph (1) of this subsection if such government or unit has, prior to the date of enactment of the State and Local Fiscal Assistance Act Amendments of 1980, conducted hearings required under subsection (a) on proposed uses of funds on the basis of a reasonable projection of

Ante, p. 3516.

the amount of funds to be made available to such unit under such Amendments.".

(f) WAIVER PROVISION.—Section 123(c)(5) of the Act is amended to read as follows: 31 USC 1243.

"(5) WAIVER.—The Secretary may waive the requirements of paragraph (1) or paragraph (2), in whole or in part, with respect to any State government or unit of local government for any fiscal year as to which (in accordance with the regulations prescribed by the Secretary) there is a finding that—

"(A) the financial accounts of such government for such period are not auditable, and that such government demonstrates substantial progress toward making such financial accounts auditable, or

"(B) such government has been audited by a State audit agency which does not follow generally accepted auditing standards or which is not independent (in accordance with regulations prescribed by the Secretary), and such State audit agency demonstrates progress toward meeting generally accepted auditing standards or becoming independent.".

(g) MODIFICATION OF CERTAIN AUDIT REQUIREMENTS.—In any case in which— 31 USC 1243 note.

(1) a State had on July 25, 1974, entered into an agreement with the United States to conduct the audits required under section 123(c) of the Act on behalf of the units of local government in such State, and 31 USC 1243.

(2) such audits were not conducted as so required for the entitlement periods beginning after December 31, 1976, and before January 1, 1980,

then any unit of local government of such State may meet the audit requirements of section 123(c) of the Act with respect to such entitlement periods by conducting audits which otherwise meet such requirements, except that, in the aggregate, such audits need cover only those funds of accounts in the financial activity of the local unit of government into which payments under the Act have been deposited.

(h) STATEMENT OF ASSURANCES.—Section 123(a) is amended— 31 USC 1243.

(1) by striking out the semicolon at the end of paragraph (6) and inserting in lieu thereof the following: "; and";

(2) by striking out "; and" at the end of paragraph (7) and inserting in lieu thereof a period; and

(3) by striking out paragraph (8).

SEC. 3. DISCHARGE THE STATES FROM THE OBLIGATION OF REPAYMENT OF CERTAIN MONEY.

(a) IN GENERAL.—The various States with which money was deposited by the Secretary of the Treasury under the provisions of sections 13 and 14 of the Act entitled "An Act to regulate the deposits of the public money", approved June 23, 1836 (5 Stat. 55), are hereby discharged of all obligations for repayment to the United States of the money so deposited.

(b) CREDITING OF ACCOUNTS.—The proper accounting officers of the Government shall credit the various States with the amounts charged to them on the books of the Treasury Department pursuant to the proviso in the paragraph entitled "Credit in accounts of the Treasurer" in the Act of June 25, 1910 (36 Stat. 776).

SEC. 4. ADJUSTMENTS PURSUANT TO SECTION 118 OF PUBLIC LAW 96-369.

31 USC 1228.

Section 109 of the Act is amended by adding a new subsection, as follows:

Ante, p. 1357.

"(h) The allocations to States and local jurisdictions shall reflect any adjustments made pursuant to section 118 of Public Law 96-369, and nothing in this Act shall be construed so as to preclude such adjustments being used for the purpose of allocation.".

SEC. 5. EFFECTIVE DATE.

31 USC 1221 note.
31 USC 1261.

The amendments made by sections 1, 2, and 4 of this Act shall apply with respect to entitlement periods (as such term is defined in section 141(b) of the State and Local Fiscal Assistance Act of 1972) beginning on or after October 1, 1980.

Approved December 28, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1277 (Comm. on Government Operations).
SENATE REPORT No. 96-1009 accompanying S. 2574 (Comm. on Finance).
CONGRESSIONAL RECORD, Vol. 126 (1980):
- Sept. 24, Nov. 12, 13, considered and passed House.
- Dec. 9, considered and passed Senate, amended.
- Dec. 10, House agreed to certain Senate amendments, to others with amendments, and disagreed to remaining Senate amendments.
- Dec. 12, Senate receded from certain of its amendments and agreed to remaining House amendments.

Public Law 96-605
96th Congress

An Act

To make various changes in the tax laws.

Dec. 28, 1980
[H.R. 7956]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Miscellaneous Revenue Act of 1980.

SECTION 1. SHORT TITLE; AMENDMENT OF 1954 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Miscellaneous Revenue Act of 1980". 26 USC 1 note.

(b) AMENDMENT OF 1954 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954. 26 USC 1.

TITLE I—AMENDMENTS RELATING TO INCOME TAX GENERALLY

SEC. 101. TREATMENT OF COMMUNITY INCOME WHERE SPOUSES LIVE APART.

(a) GENERAL RULE.—Part I of subchapter B of chapter 1 (defining gross income, adjusted gross income, taxable income, etc.) is amended by adding at the end thereof the following new section:

"SEC. 66. TREATMENT OF COMMUNITY INCOME WHERE SPOUSES LIVE APART.

26 USC 66.

"(a) GENERAL RULE.—If—

"(1) 2 individuals are married to each other at any time during a calendar year;

"(2) such individuals—

"(A) live apart at all times during the calendar year, and

"(B) do not file a joint return under section 6013 with each other for a taxable year beginning or ending in the calendar year;

"(3) one or both of such individuals have earned income for the calendar year which is community income; and

"(4) no portion of such earned income is transferred (directly or indirectly) between such individuals before the close of the calendar year,

then, for purposes of this title, any community income of such individuals for the calendar year shall be treated in accordance with the rules provided by section 879(a). 26 USC 879.

"(b) DEFINITIONS.—For purposes of this section—

"(1) EARNED INCOME.—The term 'earned income' has the meaning given to such term by section 911(b). 26 USC 911.

"(2) COMMUNITY INCOME.—The term 'community income' means income which, under applicable community property laws, is treated as community income.

"(3) COMMUNITY PROPERTY LAWS.—The term 'community property laws' means the community property laws of a State, a foreign country, or a possession of the United States."

(b) CLERICAL AMENDMENT.—The table of sections for part I of subchapter B of chapter 1 is amended by adding at the end thereof the following new item:

"Sec. 66. Treatment of community income where spouses live apart."

26 USC 66 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years beginning after December 31, 1980.

SEC. 102. AMORTIZATION OF START-UP EXPENDITURES.

(a) IN GENERAL.—Part VI of subchapter B of chapter 1 (relating to itemized deductions for individuals and corporations) is amended by adding at the end thereof the following new section:

26 USC 195.

"SEC. 195. START-UP EXPENDITURES.

"(a) ELECTION TO AMORTIZE.—Start-up expenditures may, at the election of the taxpayer, be treated as deferred expenses. Such deferred expenses shall be allowed as a deduction ratably over such period of not less than 60 months as may be selected by the taxpayer (beginning with the month in which the business begins).

"(b) START-UP EXPENDITURES.—For purposes of this section, the term 'start-up expenditure' means any amount—

"(1) paid or incurred in connection with—

"(A) investigating the creation or acquisition of an active trade or business, or

"(B) creating an active trade or business, and

"(2) which, if paid or incurred in connection with the expansion of an existing trade or business (in the same field as the trade or business referred to in paragraph (1)), would be allowable as a deduction for the taxable year in which paid or incurred.

"(c) ELECTION.—

"(1) TIME FOR MAKING ELECTION.—An election under subsection (a) shall be made not later than the time prescribed by law for filing the return for the taxable year in which the business begins (including extensions thereof).

"(2) SCOPE OF ELECTION.—The period selected under subsection (a) shall be adhered to in computing taxable income for the taxable year for which the election is made and all subsequent taxable years.

"(3) MANNER OF MAKING ELECTION.—An election under subsection (a) shall be made in such manner as the Secretary shall by regulations prescribe.

"(d) BUSINESS BEGINNING.—For purposes of this section, an acquired trade or business shall be treated as beginning when the taxpayer acquires it."

(b) CLERICAL AMENDMENT.—The table of sections for part VI of subchapter B of chapter 1 is amended by adding at the end thereof the following new item:

"Sec. 195. Start-up expenditures."

26 USC 195 note.

(c) EFFECTIVE DATE.—The amendements made by this section shall apply to amounts paid or incurred after July 29, 1980, in taxable years ending after such date

SEC. 104. REVISION OF SOURCE RULES FOR INCOME FROM CERTAIN LEASED AIRCRAFT, VESSELS, AND SPACECRAFT.

(a) IN GENERAL.—Subsection (e) of section 861 (relating to election to treat income from certain aircraft and vessels as income from sources within the United States) is amended to read as follows: 26 USC 861.

"(e) INCOME FROM CERTAIN LEASED AIRCRAFT, VESSELS, AND SPACECRAFT TREATED AS INCOME FROM SOURCES WITHIN THE UNITED STATES.—

"(1) IN GENERAL.—For purposes of subsection (a) and section 862(a), if— 26 USC 862.

"(A) a taxpayer owning a craft which is section 38 property (or would be section 38 property but for section 48(a)(5)) leases such craft to a United States person, other than a member of the same controlled group of corporations (as defined in section 1563) as the taxpayer, and 26 USC 38. 26 USC 48. 26 USC 1563.

"(B) such craft is manufactured or constructed in the United States,

then all amounts includible in gross income by the taxpayer with respect to such craft for any taxable year ending after the commencement of such lease (whether during or after the period of such lease), including gain from sale, exchange, or other disposition of such craft, shall be treated as income from sources within the United States.

"(2) CERTAIN TRANSFERS INVOLVING CARRYOVER BASIS.—If the taxpayer transfers or distributes a craft to which paragraph (1) applied and the basis of such craft in the hands of the transferee or distributee is determined by reference to its basis in the hands of the transferor or distributor, paragraph (1) shall continue to apply to such craft in the hands of the transferee or distributee.

"(3) CRAFT DEFINED.—For purposes of this subsection, the term 'craft' means a vessel, aircraft, or spacecraft.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to property first leased after the date of the enactment of this Act. 26 USC 861 note.

SEC. 105. TAXATION OF HOMEOWNERS ASSOCIATIONS.

(a) GENERAL RULE.—Subsection (b) of section 528 (relating to tax imposed with respect to certain homeowners associations) is amended to read as follows: 26 USC 528.

"(b) TAX IMPOSED.—A tax is hereby imposed for each taxable year on the homeowners association taxable income of every homeowners association. Such tax shall be equal to 30 percent of the homeowners association taxable income.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1980. 26 USC 528 note.

SEC. 106. TREATMENT OF CERTAIN INCOME OF MUTUAL OR COOPERATIVE ELECTRIC AND TELEPHONE COMPANIES.

(a) TREATMENT OF CERTAIN INCOME FOR PURPOSES OF TAX EXEMPT STATUS.—Paragraph (12) of section 501(c) (relating to list of exempt organizations) is amended— 26 USC 501.

(1) by striking out "(12)" and inserting in lieu thereof "(12)(A)",

(2) by striking out the second sentence, and

(3) by adding at the end thereof the following new subparagraphs:

"(B) In the case of a mutual or cooperative telephone company, subparagraph (A) shall be applied without taking into account any income received or accrued—

"(i) from a nonmember telephone company for the performance of communication services which involve members of the mutual or cooperative telephone company,

"(ii) from qualified pole rentals, or

"(iii) from the sale of display listings in a directory furnished to the members of the mutual or cooperative telephone company.

"(C) In the case of a mutual or cooperative electric company, subparagraph (A) shall be applied without taking into account any income received or accrued from qualified pole rentals.

"Qualified pole rental."

"(D) For purposes of this paragraph, the term 'qualified pole rental' means any rental of a pole (or other structure used to support wires) if such pole (or other structure)—

"(i) is used by the telephone or electric company to support one or more wires which are used by such company in providing telephone or electric services to its members, and

"(ii) is used pursuant to the rental to support one or more wires (in addition to the wires described in clause (i)) for use in connection with the transmission by wire of electricity or of telephone or other communications.

"Rental."

For purposes of the preceding sentence, the term 'rental' includes any sale of the right to use the pole (or other structure)."

26 USC 513.

(b) Engaging in Pole Rentals Treated as Not Engaging in Unrelated Trade or Business.—Section 513 (defining unrelated trade or business) is amended by adding at the end thereof the following new subsection:

"Unrelated trade or business."

"(g) Certain Pole Rentals.—In the case of a mutual or cooperative telephone or electric company, the term 'unrelated trade or business' does not include engaging in qualified pole rentals (as defined in section 501(c)(12)(D))."

Supra.

(c) Effective Dates.—

26 USC 501 note.

(1) Subsection (a).—The amendments made by subsection (a) shall apply to all taxable years to which the Internal Revenue Code of 1954 applies.

26 USC 1.

26 USC 513 note.

(2) Subsection (b).—The amendment made by subsection (b) shall apply to taxable years beginning after December 31, 1969.

SEC. 107. EXEMPTION FOR CERTAIN SUBSISTENCE ALLOWANCES RECEIVED BY CERTAIN POLICE OFFICERS BEFORE JANUARY 1, 1978.

26 USC 119 note.

(a) General Rule.—Subsection (b) of section 3 of the Act of October 7, 1978, entitled "An Act to prohibit the issuance of regulations on the taxation of fringe benefits, and for other purposes" is amended—

(1) by striking out "January 1, 1977" and inserting in lieu thereof "January 1, 1974", and

(2) by striking out "calendar year 1977" and inserting in lieu thereof "calendar year 1974, 1975, 1976, or 1977".

26 USC 119 note.

(b) Statute of Limitations.—In the case of any allowance received during calendar year 1974, 1975, 1976, or 1977, subsections (a)(2) and (e) of such section 3 shall be applied by substituting the date one year after the date of the enactment of this Act for "April 15, 1979" each place it appears.

SEC. 108. TREATMENT OF CERTAIN EXPENSES INCLUDIBLE IN THE INCOME OF THE RECIPIENT.

26 USC 274.

(a) In General.—Subsection (e) of section 274 (relating to specific exceptions to application of disallowance of certain entertainment, etc., expenses) is amended by inserting after paragraph (9) the following new paragraph:

"(10) **Expenses includible in income of persons who are not employees.**—Expenses paid or incurred by the taxpayer for goods, services, and facilities to the extent that the expenses are includible in the gross income of a recipient of the entertainment, amusement, or recreation who is not an employee of the taxpayer as compensation for services rendered or as a prize or award under section 74. The preceding sentence shall not apply to any amount paid or incurred by the taxpayer if such amount is required to be included (or would be so required except that the amount is less than $600) in any information return filed by such taxpayer under part III of subchapter A of chapter 61 and is not so included."

26 USC 74.

26 USC 6031.

(b) **Effective Date.**—The amendment made by this section shall apply to any expenses paid or incurred after December 31, 1980, in taxable years ending after such date.

26 USC 274 note.

SEC. 109. INVESTMENT CREDIT FOR CERTAIN PROPERTY USED IN MARITIME SATELLITE COMMUNICATIONS.

(a) **General Rule.**—Paragraph (5) of section 48(a) (relating to property used by governmental units) is amended to read as follows:

26 USC 48.

"(5) **Property used by governmental units.**—Property used by the United States, any State or political subdivision thereof, any international organization, or any agency or instrumentality of any of the foregoing shall not be treated as section 38 property. For purposes of the preceding sentence, the International Telecommunications Satellite Consortium, the International Maritime Satellite Organization, and any successor organization of such Consortium or Organization shall not be treated as an international organization."

26 USC 38.

(b) **Effective Date.**—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1979.

26 USC 48 note.

SEC. 110. ACQUISITION INDEBTEDNESS.

(a) **In General.**—Section 514(c) of the Internal Revenue Code of 1954 (defining acquisition indebtedness) is amended by adding at the end thereof the following new paragraph:

26 USC 514.

"(9) **Real property acquired by qualified trust.**—For purposes of this section—

Acquisition indebtedness.

"(A) **In general.**—Except as provided in subparagraph (B), the term 'acquisition indebtedness' does not include indebtedness incurred by a qualified trust in acquiring or improving any real property.

"(B) **Exceptions.**—The provisions of subparagraph (A) shall not apply in any case in which—

"(i) the acquisition price is not a fixed amount determined as of the date of acquisition;

"(ii) the amount of any indebtedness or any other amount payable with respect to such indebtedness, or the time for making any payment of any such amount, is dependent, in whole or in part, upon any revenue, income, or profits derived from such real property;

"(iii) the real property is at any time after the acquisition leased by the qualified trust to the person selling such property to such trust or to any person who bears a relationship described in section 267(b) to such person;

26 USC 267.

"(iv) the real property is acquired from, or is at any time after the acquisition leased by the qualified trust to, any person who—

26 USC 4975. "(I) bears a relationship which is described in section 4975(e)(2) (C), (E), or (G) to any plan with respect to which such trust was formed, or

"(II) bears a relationship which is described in section 4975(e)(2) (F) or (H) to any person described in subclause (I); or

"(v) any person described in clause (iii) or (iv) provides the qualified trust with nonrecourse financing in connection with such transaction and such debt—

"(I) is subordinate to any other indebtedness on such property, or

"(II) bears interest at a rate which is significantly less than the rate available from any person not described in clause (iii) or (iv) at the time such indebtedness is incurred.

"(C) QUALIFIED TRUST.—For purposes of this paragraph, the term 'qualified trust' means any trust which constitutes a qualified trust under section 401." 26 USC 401.

26 USC 514 note. (b) NO PRECEDENT.—The amendment made by subsection (a) shall not be considered a precedent with respect to extending such amendment (or similar rules) to any other person.

26 USC 514 note. (c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1980.

TITLE II—AMENDMENTS RELATING TO PENSION PLANS

Subtitle A—Prevention of Abuse of Certain Pension Plan Provisions

SEC. 201. PREVENTION OF ABUSE OF CERTAIN PENSION PLAN PROVISIONS THROUGH THE USE OF SEPARATE CORPORATIONS OR OTHER ORGANIZATIONS.

26 USC 414. (a) IN GENERAL.—Section 414 (relating to definitions and special rules relating to pension plan, etc.) is amended by adding at the end thereof the following new subsection:

"(m) EMPLOYEES OF AN AFFILIATED SERVICE GROUP.—

"(1) IN GENERAL.—For purposes of the employee benefit requirements listed in paragraph (4), except to the extent otherwise provided in regulations, all employees of the members of an affiliated service group shall be treated as employed by a single employer.

"(2) AFFILIATED SERVICE GROUP.—For purposes of this subsection, the term 'affiliated service group' means a group consisting of a service organization (hereinafter in this paragraph referred to as the 'first organization') and one or more of the following:

"(A) any service organization which—

"(i) is a shareholder or partner in the first organization, and

"(ii) regularly performs services for the first organization or is regularly associated with the first organization in performing services for third persons, and

"(B) any other organization if—

"(i) a significant portion of the business of such organization is the performance of services (for the first organization, for organizations described in subparagraph (A), or for both) of a type historically performed in such service field by employees, and

"(ii) 10 percent or more of the interests in such organization is held by persons who are officers, highly compensated employees, or owners of the first organization or an organization described in subparagraph (A).

"(3) SERVICE ORGANIZATIONS.—For purposes of this subsection, the term 'service organization' means an organization the principal business of which is the performance of services.

"(4) EMPLOYEE BENEFIT REQUIREMENTS.—For purposes of this subsection, the employee benefit requirements listed in this paragraph are—

"(A) paragraphs (3), (4), (7), and (16) of section 401(a), 26 USC 401.

"(B) sections 408(k), 410, 411, and 415, 26 USC 408, 410, 411, 415.

"(C) section 105(h), and 26 USC 105.

"(D) section 125. 26 USC 125.

"(5) OTHER DEFINITIONS.—For purposes of this subsection—

"(A) ORGANIZATION DEFINED.—The term 'organization' means a corporation, partnership, or other organization.

"(B) OWNERSHIP.—In determining ownership, the principles of section 267(c) shall apply. 26 USC 267.

"(6) PREVENTION OF AVOIDANCE.—The Secretary shall prescribe such regulations as may be necessary to prevent the avoidance with respect to service organizations, through the use of separate organizations, of any employee benefit requirement listed in paragraph (4)." Regulations.

(b) TECHNICAL AMENDMENTS.—

(1) Paragraph (8) of section 105(h) (relating to amount paid to highly compensated individuals under a discriminatory self-insured medical expense reimbursement plan) is amended— 26 USC 105.

(A) by striking out "subsection (b) or (c) of section 414" and inserting in lieu thereof "subsection (b), (c), or (m) of section 414", and

(B) by striking out "CONTROLLED GROUPS" in the paragraph heading and inserting in lieu thereof "CONTROLLED GROUPS, ETC.".

(2) Paragraph (4) of section 125(g) (relating to special rules for cafeteria plans) is amended— 26 USC 125.

(A) by striking out "subsection (b) or (c) of section 414" and inserting in lieu thereof "subsection (b), (c), or (m) of section 414", and

(B) by striking out "CONTROLLED GROUPS" in the paragraph heading and inserting in lieu thereof "CONTROLLED GROUPS, ETC.".

(c) EFFECTIVE DATES.— 26 USC 414 note.

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to plan years ending after November 30, 1980.

(2) PLANS IN EXISTENCE ON NOVEMBER 30, 1980.—In the case of a plan in existence on November 30, 1980, the amendments made by this section shall apply to plan years beginning after November 30, 1980.

Subtitle B—Amendments Relating to Employee Stock Ownership Plans

SEC. 221. CASH DISTRIBUTION OPTION AND PUT OPTION FOR STOCK BONUS PLANS.

26 USC 401. (a) In General.—Subsection (a) of section 401 (relating to requirements for qualification) is amended by inserting immediately before the last sentence thereof the following new paragraph:

"(23) A stock bonus plan which otherwise meets the requirements of this section shall not be considered to fail to meet the requirements of this section because it provides a cash distribution option to participants if that option meets the requirements of section 409A(h)(2)." 26 USC 409A.

26 USC 401 note. (b) Effective Date.—The amendment made by subsection (a) shall apply with respect to plan years beginning after December 31, 1980.

SEC. 222. LIMITATION ON ANNUAL ADDITIONS TO PARTICIPANT ACCOUNTS UNDER EMPLOYEE STOCK OWNERSHIP PLANS.

26 USC 415. (a) In General.—Subparagraph (A) of section 415(c)(6) (relating to special limitation for employee stock ownership plan) is amended by inserting ", or purchased with cash contributed," after "contributed".

26 USC 415 note. (b) Effective Date.—The amendment made by subsection (a) shall apply with respect to years beginning after December 31, 1980.

SEC. 223. VALUATION OF EMPLOYER SECURITIES IN TAX CREDIT EMPLOYEE STOCK OWNERSHIP PLANS.

26 USC 48. (a) In General.—Clause (i) of section 48(n)(6)(B) (defining value for employer securities) is amended by striking out "the due date for filing the return for the taxable year (determined with regard to extensions)" and inserting in lieu thereof "the date on which the securities are contributed to the plan".

26 USC 48 note. (b) Effective Date.—The amendments made by subsection (a) shall apply with respect to taxable years beginning after December 31, 1980.

SEC. 224. PARTICIPATION OF SUBSIDIARY CORPORATION IN TAX CREDIT EMPLOYEE STOCK OWNERSHIP PLAN.

26 USC 409A. (a) In General.—Paragraph (4) of section 409A(l) (defining controlled group of corporations) is amended—

(1) by striking out the caption and inserting in lieu thereof "(4) Application to controlled group of corporations.—",

(2) by striking out "Common parent may own only" in the caption of subparagraph (B) and inserting in lieu thereof "Where common parent owns at least", and

(3) by adding at the end thereof the following new subparagraph:

"(C) Where common parent owns 100 percent of first tier subsidiary.—For purposes of subparagraph (A), if the common parent owns directly stock possessing all of the voting power of all classes of stock and all of the nonvoting stock, in a first tier subsidiary, and if the first tier subsidiary owns directly stock possessing at least 50 percent of the voting power of all classes of stock, and at least 50 percent of each class of nonvoting stock, in a second tier subsidiary of the common parent, such second tier subsidiary (and all other corporations below it in the chain which would meet the 80 percent test of section 1563(a) if the second tier 26 USC 1563.

subsidiary were the common parent) shall be treated as includible corporations.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to qualified investment for taxable years beginning after December 31, 1978.

26 USC 409A note.

SEC. 225. PARTICIPATION RULES FOR TAX CREDIT EMPLOYEE STOCK OWNERSHIP PLAN WHICH IS ONLY EMPLOYER-PROVIDED ALTERNATIVE TO INDIVIDUAL RETIREMENT SAVINGS.

(a) IN GENERAL.—Subsection (b) of section 410 (relating to eligibility) is amended—

26 USC 410.

(1) by redesignating paragraph (2) as (3),

(2) by striking out "paragraph (1)" in paragraph (3) (as so redesignated) and inserting in lieu thereof "paragraphs (1) and (2)", and

(3) by inserting after paragraph (1) the following new paragraph:

"(2) SPECIAL RULE FOR CERTAIN PLANS.—A trust which is part of a tax credit employees stock ownership plan which is the only plan of an employer intended to qualify under section 401(a) shall not be treated as not a qualified trust under section 401(a) solely because it fails to meet the requirements of paragraph (1) if—

26 USC 401.

"(A) it benefits 50 percent or more of all the employees who are eligible under the plan (excluding employees who have not satisfied the minimum age and service requirements, if any, prescribed by the plan as a condition of participation), and

"(B) the sum of the amounts allocated to each participant's account for the year does not exceed 2 percent of the compensation of that participant for the year."

(b) CONFORMING AMENDMENTS.—

(1) The last sentence of section 401(a)(4) is amended by striking out "section 410(b)(2)(A)" and inserting in lieu thereof "section 410(b)(3)(A)".

26 USC 401.

(2) Subparagraph (B) of section 401(d)(3) is amended—

(A) by striking out "section 410(b)(2)(A)" and inserting in lieu thereof "section 410(b)(3)(A)", and

(B) by striking out "section 410(b)(2)(C)" and inserting in lieu thereof "section 410(b)(3)(C)".

(3) The last sentence of section 408(k)(2) is amended by striking out "section 410(b)(2)" and inserting in lieu thereof "section 410(b)(3)".

26 USC 408.

(4) Clause (i) of section 408(k)(3)(B) is amended by striking out "section 410(b)(2)" and inserting in lieu thereof "section 410(b)(3)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to plan years beginning after December 31, 1980.

26 USC 401 note.

SEC. 226. APPLICATION OF CASH OR DEFERRED ARRANGEMENT RULES TO CAFETERIA PLANS.

(a) IN GENERAL.—Paragraph (2) of section 125(d) (relating to deferred compensation plans excluded) is amended by adding at the end thereof the following: "The preceding sentence shall not apply in the case of a profit-sharing or stock bonus plan which includes a qualified cash or deferred arrangement (as defined in section 401(k)(2)) to the extent of amounts which a covered employee may elect to have the employer pay as contributions to a trust under such plan on behalf of the employee."

26 USC 125.

26 USC 401.

26 USC 125 note. (b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to taxable years beginning after December 31, 1980.

SEC. 227. ELIMINATION OF WITHHOLDING TAX ON PENSIONS PAID TO CERTAIN NONRESIDENT ALIENS.

26 USC 871. (a) IN GENERAL.—Section 871(f) (relating to taxation of nonresident alien individuals) is amended to read as follows:

"(1) IN GENERAL.—For purposes of this section, gross income does not include any amount received as an annuity under a qualified annuity plan described in section 403(a)(1), or from a qualified trust described in section 401(a) which is exempt from tax under section 501(a), if— 26 USC 403. 26 USC 401. 26 USC 501.

"(A) all of the personal services by reason of which the annuity is payable were either—

"(i) personal services performed outside the United States by an individual who, at the time of performance of such personal services, was a nonresident alien, or

26 USC 864. "(ii) personal services described in section 864(b)(1) performed within the United States by such individual, and

"(B) at the time the first amount is paid as an annuity under the annuity plan or by the trust, 90 percent or more of the employees for whom contributions or benefits are provided under such annuity plan, or under the plan or plans of which the trust is a part, are citizens or residents of the United States.

"(2) EXCLUSION.—Income received during the taxable year which would be excluded from gross income under this subsection but for the requirement of paragraph (1)(B) shall not be included in gross income if—

"(A) the recipient's country of residence grants a substantially equivalent exclusion to residents and citizens of the United States; or

"(B) the recipient's country of residence is a beneficiary developing country within the meaning of section 502 of the Trade Act of 1974 (19 U.S.C. 2462).".

26 USC 871 note. (b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to amounts received after July 1, 1979.

TITLE III—AMENDMENTS RELATING TO ESTATE TAX

SEC. 301. ADDITIONAL 3 YEARS ALLOWED TO AMEND GOVERNING INSTRUMENTS TO MEET REQUIREMENTS FOR GIFT OF SPLIT INTEREST TO CHARITY.

26 USC 2055. (a) CHARITABLE LEAD TRUSTS AND CHARITABLE REMAINDER TRUSTS IN THE CASE OF ESTATE TAXES.—The first sentence of paragraph (3) of section 2055(e) (relating to disallowance of deductions in certain cases) is amended—

(1) by striking out "December 31, 1977" and inserting in lieu thereof "December 31, 1978"; and

(2) by striking out "December 31, 1978" each place it appears and inserting in lieu thereof "December 31, 1981".

(b) EFFECTIVE DATE.—

(1) In general.—The amendment made by subsection (a) shall apply in the case of decedents dying after December 31, 1969. 26 USC 2055 note.

(2) Charitable lead trusts and charitable remainder trusts in the case of income and gift taxes.—Section 514(b) (and section 514(c) insofar as it relates to section 514(b)) of the Revenue Act of 1978 shall be applied as if the amendment made by subsection (a) had been included in the amendment made by section 514(a) of such Act. 26 USC 2055 note. *Ante*, p. 219.

TITLE IV—MISCELLANEOUS AMENDMENTS

SEC. 401. TREATMENT OF CERTAIN SOCIAL SECURITY TAX WAIVER EXEMPTIONS.

(a) Waiver Certificate.— 26 USC 3121 note.

(1) In general.—Notwithstanding any other provision of law, any waiver certificate filed by a qualified corporation (herinafter in this section referred to as the "corporation") under section 3121(k)(1) of the Internal Revenue Code of 1954 (relating to waiver of exemption from social security taxes by certain organizations) shall be deemed not to be effective, for purposes of the taxes imposed by section 3101 of such Code, with respect to any wages— 26 USC 3121. 26 USC 3101.

(A) paid by the Corporation to any employee thereof after December 31, 1972, and before April 1, 1975, if the Corporation furnishes to the Secretary of the Treasury or his delegate evidence reasonably satisfactory to him that the Corporation as refunded, prior to February 1, 1977, to such employee (or to his survivors or estate) the full amount of the taxes imposed by section 3101 of such Code on such wages, or

(B) paid after March 31, 1975, and prior to July 1, 1977, by the Corporation to an individual as an employee of the Corporation, if the Corporation furnishes to the Secretary of the Treasury or his delegate evidence reasonably satisfactory to him that (i) such individual was not an employee of the Corporation on June 30, 1978, and (ii) no amount of the taxes imposed by section 3101 of such Code on such wages were withheld by the Corporation from such wages.

(2) Application of paragraph (1).—

(A) Evidence to be submitted to secretary.—The provisions of paragraph (1) shall not apply to wages described in subparagraph (A) or (B) of such paragraph unless, prior to the close of the one-year period which begins on the date of the enactment of this Act, the Corporation furnishes to the Secretary of the Treasury or his delegate the evidence referred to in either such subparagraph.

(B) Tax not imposed.—If the provisions of paragraph (1) apply with respect to any wages paid by the Corporation to an employee thereof, no taxes imposed on such wages by section 3101 of the Internal Revenue Code of 1954 shall be payable, and no interest or penalty with respect to the imposition of taxes by such section on such wages (or with respect to the imposition of taxes by such section or section 3111 of such Code on any wages paid by the Corporation prior to January 1, 1978) shall be imposed or collected. 26 USC 3111.

(C) CREDIT AGAINST TAX.—Under regulations prescribed by the Secretary, there shall be allowed as a one-time credit against the tax imposed on the Corporation under section 3101 or 3111 of the Internal Revenue Code of 1954 (and any interest or penalties imposed thereon) an amount equal to the sum of— 26 USC 3101, 3111.

(i) all amounts of tax imposed by section 3101 of such Code which have been paid by the Corporation with respect to wages to which paragraph (1) applies, and 26 USC 3101.

(ii) all amounts paid by such Corporation as a penalty or as interest with respect to the tax imposed by section 3101 or 3111 of such Code on such wages.

(b) TREATMENT FOR PURPOSES OF SOCIAL SECURITY ACT.—In the administration of titles II and XVIII of the Social Security Act, any wages paid to any individual to which the provisions of subsection (a) apply shall be treated as wages (within the meaning of section 209 of such Act) for purposes of determining— 42 USC 401, 1395. 42 USC 409.

(1) entitlement to, or amount of, any insurance benefit payable to such individual or any other person on the basis of the wages and self-employment income of such individual, or

(2) entitlement of such individual to benefits under title XVIII of such Act or entitlement of any other person to such benefits on the basis of the wages and self-employment income of such individual.

(c) QUALIFIED CORPORATION DEFINED.—For purposes of this section, the term "qualified corporation" means any corporation which—

(1) filed a waiver certificate under section 3121 of the Internal Revenue Code of 1954 during 1968; 26 USC 3121.

(2) filed a second waiver certificate under such section during 1975 believing that no other waiver certificate had been filed;

(3) received a refund of the taxes imposed by sections 3101 and 3111 of such Code with respect to certain wages paid to more than 120 but less than 180 employees who did not concur in the filing of the second waiver certificate; and 26 USC 3101, 3111.

(4) was notified during 1977 by the Internal Revenue Service that the certificate had been filed during 1968.

(d) LIABILITY FOR TAXES.—Except as provided in subsection (a)(2)(C)(ii), nothing in this section shall be construed to relieve the Corporation of any liability for the payment of the taxes imposed by section 3111 of the Internal Revenue Code of 1954 with respect to any wages paid by it to any individual for any period.

SEC. 402. TREATMENT OF AUTHORS AND ARTISTS AS EMPLOYEES.

(a) IN GENERAL.—An author or artist performing services under contract with a corporation shall be considered as an employee of the corporation for the purpose of applying the provisions specified in section 7701(a)(20) of the Internal Revenue Code of 1954, if, on December 31, 1977, such author or artist was a participant in one or more of the pension, profit-sharing or annuity plans of such corporation which are described in subsection (b)(2). 26 USC 7701 note. 26 USC 7701.

(b) DEFINITIONS.—For purposes of this section—

(1) CONTRACT.—The term "contract" means a contract which during its term—

(A) requires such author or artist to give the corporation first reading or first refusal on writings or drawings of specified types, and prohibits him from offering any such writing or drawing to any other publication unless it has been offered to and rejected by the corporation; or

(B) requires such author or artist to use his best efforts to produce work of specified types for the corporation.

(2) CORPORATION.—The term "corporation" means a corporation which for at least 15 years prior to January 1, 1978, had in effect one or more pension, profit-sharing and annuity plans, each of which—

(A) had contained from its inception a definition of the term "employee" that included the category of "authors and artists under contract", and

(B) had been determined by the Secretary of the Treasury (taking into account the definition described in subparagraph (A)) to be a qualified plan within part I of subchapter D of chapter 1 of subtitle A of the Internal Revenue Code of 1954 for all of such years. 26 USC 401.

(c) EFFECTIVE DATE.—The provisions of this section shall apply to taxable years ending after December 31, 1980.

Approved December 28, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1278 (Comm. on Ways and Means).
SENATE REPORT No. 96-1036 (Comm. on Finance).
CONGRESSIONAL RECORD, Vol. 126 (1980):
  Sept. 9, considered and passed House.
  Dec. 13, considered and passed Senate, amended; House agreed to certain Senate amendments, to others with amendments, and disagreed to those remaining; Senate agreed to certain House amendments and receded from its remaining amendments.

Public Law 96-606
96th Congress

An Act

Dec. 28, 1980
[H.R. 5737]

To amend the International Claims Settlement Act of 1949 to allow recovery by United States nationals for losses incurred in Vietnam.

International Claims Settlement Act of 1949, amendment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the International Claims Settlement Act of 1949 (22 U.S.C. 1621 et seq.) is amended by adding at the end thereof the following new title:

"TITLE VII

"PURPOSE OF TITLE

22 USC 1645.

"SEC. 701. It is the purpose of this title to provide for the determination of the validity and amounts of outstanding claims against Vietnam which arose out of the nationalization, expropriation, or other taking of (or special measures directed against) property of nationals of the United States. This title shall not be construed as authorizing or as any intention to authorize an appropriation by the United States for the purpose of paying such claims.

"DEFINITIONS

22 USC 1645a.

"SEC. 702. As used in this title—

"(1) the term 'national of the United States' means—

"(A) a natural person who is a citizen of the United States; and

"(B) a corporation or other legal entity which is organized under the laws of the United States or of any State, the District of Columbia, or the Commonwealth of Puerto Rico, if natural persons who are citizens of the United States own, directly or indirectly, 50 per centum or more of the outstanding capital stock or other beneficial interest of such corporation or entity;

"(2) the term 'Commission' means the Foreign Claims Settlement Commission of the United States;

"(3) the term 'property' means—

"(A) any property, right, or interest, including any leasehold interest,

"(B) any debt owed by Vietnam or by any enterprise which has been nationalized, expropriated, or otherwise taken by Vietnam, and

"(C) any debt which is a charge on property which has been nationalized, expropriated, or otherwise taken by Vietnam;

"(4) the term 'Vietnam' means—

"(A) the Government of the Socialist Republic of Vietnam,

"(B) any predecessor governing authority operating in South Vietnam on or after April 29, 1975, including the Provisional Revolutionary Government of South Vietnam, "(C) the Government of the former Democratic Republic of Vietnam, and

"(D) any political subdivision, agency, or instrumentality of any of the entities referred to in subparagraphs (A), (B), and (C); and

"(5) the term 'Claims Fund' means the special fund established in the Treasury of the United States composed of such sums as may be paid to or realized by the United States pursuant to the terms of any agreement settling those claims described in section 703 that may be entered into between the Governments of the United States and Vietnam. *Infra.*

"RECEIPT AND DETERMINATION OF CLAIMS

22 USC 1645b.

"SEC. 703. The Commission shall receive and determine in accordance with applicable substantive law, including international law, the validity and amounts of claims by nationals of the United States against Vietnam arising on or after April 29, 1975, for losses incurred as a result of the nationalization, expropriation, or other taking of (or special measures directed against) property which, at the time of such nationalization, expropriation, or other taking, was owned wholly or partially, directly or indirectly, by nationals of the United States to whom no restoration or adequate compensation for such property has been made. Such claims must be submitted to the Commission within the period specified by the Commission by notice published in the Federal Register (which period shall not be more than a period of two years beginning on the date of such publication) within sixty days after the date of the enactment of this title or of legislation making appropriations to the Commission for payment of administrative expenses incurred in carrying out its functions under this title, whichever date is later.

Notice; publication in Federal Register.

"OWNERSHIP OF CLAIMS

22 USC 1645c. *Supra.*

"SEC. 704. A claim may be favorably considered under section 703 of this Act only if the property right on which it is based was owned, wholly or partially, directly or indirectly, by a national of the United States on the date of loss and only to the extent that the claim has been held by one or more nationals of the United States continuously from the date that the loss occurred until the date of filing with the Commission.

"CORPORATE CLAIMS

22 USC 1645d. *Supra.*

"SEC. 705. (a) A claim under section 703 of this Act based upon an ownership interest in any corporation, association, or other entity which is a national of the United States may not be considered. A claim under section 703 based upon a debt or other obligation owing by any corporation, association, or other entity organized under the laws of the United States, or of any State, the District of Columbia, or the Commonwealth of Puerto Rico may be considered only if such debt or other obligation is a charge on property which has been nationalized, expropriated, or otherwise taken by Vietnam.

"(b) A claim under section 703 based upon a direct ownership interest in a corporation, association, or other entity may be considered, subject to the other provisions of this title, if such corporation, association, or other entity on the date of the loss was not a national of the United States, without regard to the per centum of ownership vested in the claimant.

Ante, p. 3535.

"(c) A claim under section 703 based upon an indirect ownership interest in a corporation, association, or other entity may be considered, subject to the other provisions of this title, only if at least 25 per centum of the entire ownership interest thereof, at the time of such loss, was vested in nationals of the United States or if, at the time of the loss, nationals of the United States in fact controlled the corporation, association, or entity, as determined by the Commission.

"(d) The amount of any claim covered by subsection (b) or (c) of this section shall be calculated on the basis of the total loss suffered by the corporation, association, or other entity, with respect to which the claim is made, and shall bear the same proportion to such loss as the ownership interest of the claimant at the time of loss bears to the entire ownership interest thereof.

"OFFSETS

22 USC 1645e.

"SEC. 706. In determining the amount of any claim under this title, the Commission shall deduct all amounts the claimant has received from any source on account of the same loss or losses for which the claim is filed.

"CERTIFICATION; ASSIGNED CLAIMS

22 USC 1645f.

"SEC. 707. (a) The Commission shall certify to each claimant who files a claim under this title the amount determined by the Commission to be the loss suffered by the claimant which is covered by this title. The Commission shall certify to the Secretary of State such amount and the basic information underlying that amount, together with a statement of the evidence relied upon and the reasoning employed in making that determination.

"(b) In any case in which a claim under this title is assigned by purchase before the Commission determines the amount due on that claim, the amount so determined shall not exceed the amount of actual consideration paid by the last such assignee.

"CONSOLIDATED AWARDS

22 USC 1645g.

"SEC. 708. With respect to any claim under section 703 of this Act which, at the time of the award, is vested in persons other than the person by whom the original loss was sustained, the Commission shall issue a consolidated award in favor of all claimants then entitled to the award, which award shall indicate the respective interests of such claimants in the award, and all such claimants shall participate, in proportion to their indicated interests, in any payments that may be made under this title in all respects as if the award had been in favor of a single person.

"CLAIMS FUND

22 USC 1645h.
Establishment.

"SEC. 709. (a) The Secretary of the Treasury may establish in the Treasury of the United States the Claims Fund for the payment of unsatisfied claims of nationals of the United States against Vietnam, as authorized by this title.

"(b) The Secretary of the Treasury shall deduct from any amounts covered into the Claims Fund an amount equal to 5 per centum thereof as reimbursement to the Government of the United States for expenses incurred by the Commission and by the Treasury Department in the administration of this title. The amounts so deducted shall be covered into the Treasury as miscellaneous receipts.

"AWARD PAYMENT PROCEDURES

"SEC. 710. (a) The Commission shall certify to the Secretary of the Treasury, in terms of United States currency, each award made pursuant to section 703 of this Act. 22 USC 1645i. *Ante*, p. 3535.

"(b)(1) Upon certification of each award made pursuant to section 703, the Secretary of the Treasury shall, out of the sums covered into the Claims Fund, make payments on account of such awards as follows, and in the following order of priority:

"(A) Payment in the amount of $2,500 or the principal amount of the award, whichever is less.

"(B) Thereafter, payments from time to time, in ratable proportions, on account of the unpaid balance of the principal amounts of all awards according to the proportions which the unpaid balance of such awards bear to the total amount in the Claims Fund available for distribution at the time such payments are made.

"(2) After payment has been made in full of the principal amounts of all awards pursuant to paragraph (1), pro rata payments may be made on account of any interest that may be allowed on such awards.

"(c) Payments or applications for payments under subsection (b) shall be made in accordance with such regulations as the Secretary of the Treasury may prescribe.

"SETTLEMENT PERIOD

"SEC. 711. The Commission shall complete its affairs in connection with the settlement of claims pursuant to this title not later than three years after the final date for the filing of claims as provided in section 703 of this Act. 22 USC 1645j.

"TRANSFER OF RECORDS

"SEC. 712. The Secretary of State, the Secretary of the Treasury, and the Secretary of Defense shall transfer or otherwise make available to the Commission such records and documents relating to claims authorized by this title as may be required by the Commission in carrying out its functions under this title. 22 USC 1645k.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 713. There are authorized to be appropriated for any fiscal year beginning on or after October 1, 1980, such sums as may be necessary to enable the Commission and the Treasury Department to pay their respective administrative expenses incurred in carrying out their functions under this title. Amounts appropriated under this section may remain available until expended. 22 USC 1645*l*.

"FEES FOR SERVICES

"SEC. 714. No remuneration on account of services rendered on behalf of any claimant, in connection with any claim filed with the Commission under this title, shall exceed 10 per centum of the total amount paid pursuant to any award certified under the provisions of this title on account of such claim. Any agreement to the contrary shall be unlawful and void. Whoever, in the United States or elsewhere, demands or receives, on account of services so rendered, any remuneration in excess of the maximum permitted by this section shall be guilty of a misdemeanor and, upon conviction thereof, 22 USC 1645m. Violation penalty.

shall be fined not more than $5,000 or imprisoned not more than twelve months, or both.

"APPLICATION OF OTHER PROVISIONS OF THE ACT

22 USC 1645n. 22 USC 1621. 22 USC 1623, 1626.

"Sec. 715. (a) To the extent they are not inconsistent with the provisions of this title, the following provisions of title I of this Act shall be applicable to this title: subsections (b), (c), (d), (e), and (h) of section 4 and subsections (c), (d), (e), and (f) of section 7. Any reference in such provisions to 'this title' shall be deemed to be a reference to those provisions and to this title.

"(b) Except as otherwise provided in this title and in those provisions of title I referred to in subsection (a), the Commission shall comply with the provisions of subchapter II of chapter 5, and the provisions of chapter 7, of title 5, United States Code.

5 USC 551, 701 *et seq.*

"SEPARABILITY

22 USC 1645o.

"Sec. 716. If any provision of this title or the application thereof to any person or circumstances is held invalid, the remainder of this title or the application of such provision to other persons or circumstances shall not be affected.".

Approved December 28, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-915 (Comm. on Foreign Affairs).
CONGRESSIONAL RECORD, Vol. 126 (1980):
  May 5, considered and passed House.
  Dec. 15, considered and passed Senate.

Public Law 96-607
96th Congress

An Act

To provide, with respect to the national park system: for the establishment of new units; for adjustments in boundaries; for increases in appropriation authorizations for land acquisition and development; and for other purposes.

Dec. 28, 1980
[S. 2363]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

National Park System, amendment.

TITLE I

ROGER WILLIAMS NATIONAL MEMORIAL

16 USC 450pp-3.

SEC. 101. Section 4 of the Act of October 22, 1965 (79 Stat. 1069) entitled "An Act to provide for the establishment of the Roger Williams National Memorial in the city of Providence, Rhode Island, and for other purposes" is amended to read as follows:

Appropriation authorization.

"SEC. 4. There are hereby authorized to be appropriated not more than $146,000 for the acquisition of lands and interests in land and not more than $1,862,000 for the development of the Roger Williams National Memorial, as provided in this Act.".

TITLE II

HAMILTON GRANGE NATIONAL MEMORIAL

SEC. 201. Section 3 of the Joint Resolution of April 27, 1962 (76 Stat. 57) is amended by changing "$460,000" to "$960,000".

TITLE III

CORONADO NATIONAL MEMORIAL

SEC. 301. Section 301 of the National Parks and Recreation Act of 1978 (92 Stat. 3467, 3473) is amended by striking out "$1,410,000" in paragraph (4) and inserting in lieu thereof "$2,875,000".

TITLE IV

BIG BEND NATIONAL PARK

16 USC 157c.

SEC. 401. The boundary of the Big Bend National Park in the State of Texas is hereby revised to include the lands and interests therein within the area generally depicted on the map entitled "Big Bend National Park, Boundary Additions", numbered 155/80,019-A and dated June 1980 which shall be on file and available for public inspection in the local and Washington, District of Columbia, Offices of the National Park Service, Department of the Interior. The Secretary is authorized to acquire the lands and interests therein added to the park by this section by donation, purchase with donated or appropriated funds, or exchange, except that lands and interests therein owned by the State of Texas or any political subdivision thereof may be acquired only by donation or exchange. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section, but not to exceed $1,500,000 for the acquisition of lands and interests therein.

Appropriation authorization.

TITLE V

GENERAL MANAGEMENT PLANS

Submitted to congressional committees. 16 USC 410 *ll* note.

SEC. 501. Within three complete fiscal years from the effective date of this Act, the Secretary shall submit to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, comprehensive general management plans for the areas established pursuant to titles XII and XVI of this Act, pursuant to the provisions of section 12(b) of the Act of August 18, 1970 (84 Stat. 825; 16 U.S.C. 1a-1 et seq.).

TITLE VI

LYNDON B. JOHNSON NATIONAL HISTORICAL PARK

SEC. 601. The Act entitled "An Act to establish the Lyndon B. Johnson National Historic Site", approved December 2, 1969 (83 Stat. 274) is amended—

16 USC 410kk.

(1) in the first section, by changing "by donation or by purchase with donated funds" to "by donation or by purchase with donated or appropriated funds" and by changing "drawing entitled 'Lyndon B. Johnson National Historic Site Boundary Map', numbered NHS-LBJ-20,000 and dated September 1969" to "drawings entitled 'Boundary Map, Lyndon B. Johnson National Historical Park', numbered 447-40,008B and 447-40,000A, and dated January 1980";

16 USC 410kk-2.

(2) in section 3, by changing "not more than $680,000 to provide for the development of" to "such sums as may be necessary to carry out the provisions of this Act, but not more than $4,100,000 for development and not more than $1,400,000 for the acquisition of lands and interests therein for"; and

16 USC 410kk, 410kk-1, 410kk-2, 461 note.

(3) by changing "National Historic Site" whenever it appears to "National Historical Park".

TITLE VII

MOUND CITY GROUP NATIONAL MONUMENT

SEC. 701. (a) In order to preserve in public ownership certain prehistoric archeological resources of outstanding significance for the benefit and education of the people of the United States, the boundary of Mound City Group National Monument, Ohio, is revised to include the lands within the area generally depicted as "Parcel X" on the map entitled "Hopeton Earthworks Study Area", numbered 353/40,025B, and dated May 1980, and within the area generally depicted as "Revised Monument Boundary" on the map entitled "Transfer of Jurisdiction, Mound City Group National Monument", numbered 353/40,001A, and dated March 1978, which maps shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. With respect to the lands within "Parcel X" above, the lands may be acquired only in fee and shall be

Lands acquired by fees.

limited to the mound area depicted on the above referenced map plus such other lands immediately adjacent to the mounds so as to assure adequate access and protection to the area: *Provided,* That the total area acquired in fee shall not exceed one hundred and fifty acres. Access to lands in the vicinity of the mounds by existing roadways shall in no manner be encumbered by Federal acquisition or by the administration of the monument.

Procurement of lands and waters.

(b) Within the boundary of the national monument, the Secretary is authorized to acquire lands and waters by donation, purchase with donated or appropriated funds, transfer from any other Federal agency, or exchange. Notwithstanding any other provision of law to the contrary, Federal lands in the vicinity of the monument which are determined to be surplus to the needs of the United States shall upon the request of the Secretary be transferred to the Secretary for use by him in acquiring lands within the monument by exchange.

Consultation.

(c) The Secretary shall, in consultation with interested organizations and individuals, investigate other sites in the region which contain archeological data illustrating the prehistoric Hopewellian civilization that flourished in the Eastern United States, and as a part of this investigation he shall identify those sites which he determines should be protected as part of the Mound City Group National Monument. Not later than two complete fiscal years from the effective date of this section, the Secretary shall transmit a report of his investigation to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, together with his recommendations for such further legislation as may be appropriate.

Report to congressional committees.

Appropriation authorization.

(d) There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this section, not to exceed $1,000,000 for the acquisition of lands and waters and not to exceed $100,000 for the development of facilities and the conduct of archeological investigations on the properties acquired pursuant to this section.

TITLE VIII

THEODORE ROOSEVELT INAUGURAL NATIONAL HISTORIC SITE

Ansley Wilcox House, acquisition.
16 USC 461 note.

80 Stat. 1101.

SEC. 801. The first two sections of the Act entitled "An Act to provide for the acquisition and preservation of the real property known as the Ansley Wilcox House in Buffalo, New York, as a national historic site", approved November 2, 1966 (Public Law 89-708), are amended to read as follows: "That, notwithstanding any other provision of law, the Secretary of the Interior shall acquire on behalf of the United States the real property described in section 3 of this Act, known as the Ansley Wilcox House, which real property is of national historic significance as the place in which Theodore Roosevelt took the oath of office as President of the United States on September 14, 1901, following the assassination of President William McKinley. Such property is hereby designated as the Theodore Roosevelt Inaugural National Historic Site.

"SEC. 2. (a) Notwithstanding any other provision of law, the property referred to in the first section of this Act shall be administered by the Secretary of the Interior, acting through the National Park Service, in accordance with this section and provisions of law generally applicable to units of the National Park System, including the Act entitled 'An Act to establish a National Park Service, and for other purposes', approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4), and the provisions of the Act entitled 'An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance and for other purposes', approved August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-7).

"(b) The Secretary of the Interior shall enter into cooperative agreements with the Theodore Roosevelt Inaugural Site Foundation or other qualified public or private entities for the operation, maintenance, management, development, and interpretation of the Theodore Roosevelt Inaugural National Historic Site.

"(c) Notwithstanding any other provision of law, the Department of the Interior share in any fiscal year of the annual operating costs of the Theodore Roosevelt Inaugural National Historic Site shall not exceed two-thirds of such operating cost.".

TITLE IX

STUDY COMMITTEE

Sec. 901. The Congress finds that those portions of the Mississippi, Saint Croix, and Minnesota River corridors lying within the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington Counties in the State of Minnesota—

(a) represent a significant recreation resource which would benefit a large population in the immediate vicinity;

(b) represent a significant historical and cultural resource worthy of preservation for the enjoyment and benefit of present and future generations;

(c) contain significant natural and scientific values that enhance the diversity and esthetic character of the metropolitan area;

(d) are important commercial resources vital to the continued economic well-being of the region and the Nation;

(e) are of national significance and constitute an area of national concern;

(f) are in need of cooperative recreational planning and management so as to improve efforts to further the preservation, enhancement, and use of these recreational resources.

Establishment.

Sec. 902. (a) A Study Committee consisting of fifteen members shall be established to examine methods by which Federal, State, regional, and local governments can cooperate to enhance the recreational opportunities along those portions of the Mississippi, Minnesota, and Saint Croix Rivers described in section 901 of this title. The members of the Study Committee shall be selected as follows:

Membership.

(1) A Chairperson shall be appointed by the Secretary of the Interior. The Secretary shall appoint the Chairperson from a list of nominees submitted by the Governor of Minnesota;

(2) A representative designated by the Secretary of the Interior shall serve as Vice Chairperson;

(3) One representative shall be designated by each of the following: the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Transportation, and the Secretary of Defense;

(4) Nine other members shall be appointed by the Secretary of the Interior. The Secretary shall appoint these members from a list of nominees submitted by the Governor of Minnesota, the Metropolitan Council, and the mayors of Minneapolis and Saint Paul;

(5) The nominations and appointments required by section 902(a) shall include representatives of each of those interests described in section 904(e).

Nominations, submittal.

(b) The Governor of Minnesota, the Metropolitan Council, and the nayors of Minneapolis and Saint Paul shall submit the nominations alled for in section 902(a) within forty-five days of the date on which his Act is signed into law. All appointments called for in section 02(a) shall be made within sixty days of the date on which this Act is igned into law.

Salary.

(c) Each member of the Study Committee who is an officer or mployee of the United States shall serve without additional compenation, but shall continue to receive the salary of his regular position vhen engaged in the performance of the duties vested in the Study Committee.

(d) All members of the Study Committee shall be reimbursed for ravel, subsistence, and other necessary expenses incurred by them in he performance of the duties invested in the Study Committee from unds appropriated for this purpose.

Per diem.

5 USC 5332 note.

(e) The Chairperson of the Study Committee, if other than one to vhom paragraph (c) applies, shall receive per diem at the maximum laily rate for a GS-11 of the General Schedule when engaged in the ctual performance of duties vested in the Study Committee from unds appropriated for this purpose.

Termination.

(f) The Study Committee shall terminate within two years and two months from the date on which the initial appropriation for this title s signed into law. The funds appropriated under this title shall be available until expended.

Regional Planning Agency.

Sec. 903. (a) If a multifunctional regional agency authorized by State law to plan for and coordinate the development of the seven counties described in section 901 is in existence on the date this bill is signed into law, the Governor of the State of Minnesota shall designate such multifunctional regional agency to assist in carrying out the study directed in this title. The agency shall hereinafter be referred to as "Regional Planning Agency".

Report submittal.

(b) No later than forty-five days after receiving the report required by section 904(b), the Regional Planning Agency shall provide the Study Committee with written comments on that report. Upon receipt of those comments, the Study Committee shall submit the report, along with the written comments, to the President, the Congress, and appropriate State, regional, and local government units.

Sec. 904. (a) The Study Committee shall conduct a study on the preservation, enhancement, protection, and use of the designated recreation areas along the river corridors described in section 901 of this title. For the purpose of this title, designated areas shall be defined as those park, open space, recreation, or historical sites designated by an adopted Federal or State law or identified in a regional or local government plan.

Conclusions and findings.

(b) No later than two years after the date on which the initial appropriation for this title is signed into law, the Study Committee shall provide the Regional Planning Agency with a written report on the findings and conclusions of this study along with recommended policies.

Recommendations.

(c) In its report, the Study Committee shall make recommendations as to the policies which should be adopted, and actions which should be taken to optimize the recreational, fish and wildlife, historic, natural, scientific, scenic, and cultural values of the river corridor areas referred to in section 901 of this title. The study may also include, but need not be limited to, recommendations for institutional changes, if any, which the Study Committee deems desirable and feasible to provide permanent management of the designated recreational areas along these river corridors. The report may also include recommendations for specific areas of local, regional, State, and Federal agency cooperation for river corridor management of the designated recreational areas. However,

(1) The Study Committee shall recommend no policy or action which would place unreasonable restrictions on existing or compatible economic uses of these resources.

(2) All policies and actions recommended by the Study Committee shall be compatible with and maintain the integrity of, existing federally designated management programs and units on the Saint Croix and Minnesota River Corridors.

Review.

(d) The Study Committee shall review and utilize existing studies and consider existing plans, programs and policies as they affect the present and future recreational use of the river corridors described in section 901 of this title.

(e) The Study Committee shall provide for public participation in the planning process in order to account for the concerns of recreational, commercial, cultural, and environmental interests, and State, regional, and local government.

Appropriation authorization.

SEC. 905. There are hereby authorized to be appropriated $300,000 to the Department of the Interior to be granted to the Regional Planning Agency to carry out the purposes of this Act.

TITLE X

GOLDEN GATE NATIONAL RECREATION AREA

SEC. 1001. The Act of October 27, 1972 (86 Stat. 1299; 16 U.S.C. 460bb) is amended as follows:

16 USC 460bb-1.

(1) in subsection 2(a), at the end thereof, add the following: "The recreation area shall also include the lands and waters in San Mateo County generally depicted on the map entitled 'Sweeney Ridge Addition, Golden Gate National Recreation Area', numbered NRA GG-80,000-A, and dated May 1980.";

(2) strike out "map" in section 2(b) and substitute "maps";

16 USC 460bb-2.

(3) by adding "Point Montara", after "Point Diablo", in section 3(g);

(4) add the following at the end of section 3(h): "That property known as the Pillar Point Military Reservation, under the jurisdiction of the Secretary of Defense shall be transferred to the administrative jurisdiction of the Secretary at such time as the property, or any portion thereof, becomes excess to the needs of the Department of Defense.";

(5) add at the end of section 3 the following:

"(p) With reference to those lands known as the San Francisco water department property shown on map numbered NRA GG-80,000-A, the Secretary shall administer such land in accordance with the provisions of the documents entitled 'Grant of Scenic Easement', and 'Grant of Scenic and Recreation Easement', both executed on January 15, 1969, between the city and county of San Francisco and the United States, including such amendments to the subject document as may be agreed to by the affected parties subsequent to the date of enactment of this subsection. The Secretary is authorized to seek appropriate agreements needed to establish a trail within this property and connecting with a suitable beach unit under the jurisdiction of the Secretary.";

(6) in subsection 5(b), change "seventeen" to "eighteen"; and

16 USC 460bb-4.

(7) insert a comma and the phrase "San Mateo," after "Marin" in section 5(e).

TITLE XI

GRANT-KOHRS RANCH NATIONAL HISTORIC SITE

SEC. 1101. The Act entitled "An Act to authorize the establishment of the Grant-Kohrs Ranch National Historic Site in the State of Montana, and for other purposes", approved August 25, 1972 (86 Stat. 632) is amended—

(1) by inserting the following after the period in the first section: "The boundary of the National Historic Site shall be as generally depicted on the map entitled, 'Boundary Map, Grant-Kohrs Ranch National Historic Site', numbered 451-80-013, and dated January 25, 1980, which shall be on file and available for public inspection in the local and Washington, District of Columbia, offices of the National Park Service, Department of the Interior."; and

(2) by striking out "$752,000" and "$2,075,000" in section 4 and inserting in lieu thereof "$1,100,000" and "$7,818,000," respectively.

TITLE XII

JAMES A. GARFIELD NATIONAL HISTORIC SITE

Lawnfield property, acquisition.
16 USC 461 note.

SEC. 1201. In order to preserve for the benefit, education, and inspiration of present and future generations certain historically signficant properties associated with the life of James A. Garfield, the Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, or exchange, the lands and buildings thereon known as "Lawnfield", comprising 7.56 acres at 1059 Mentor Avenue, Mentor, Ohio: *Provided,* That the portion of Lawnfield owned by the Western Reserve Historical Society may be only acquired by donation. Upon the acquisition of the aforesaid property, the Secretary may establish the same as the James A. Garfield National Historic Site by publication of a notice and boundary map in the Federal Register. The Secretary shall administer the site in accordance with the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented, and the Act of August 21, 1935 (49 Stat. 666), as amended, and he may enter into an agreement with the Western Reserve Historical Society pursuant to which the Society may operate and maintain the site and charge reasonable admission fees, notwithstanding any other provision of law, which may be used to defray the costs of such operation and maintenance.

Publication in Federal Register.

43 USC 1457, 16 USC 1, 2, 3, 4, 22, 43.
16 USC 461 note.

Appropriation authorization.

SEC. 1202. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title, but not to exceed $205,000 for the acquisition of lands and interests in lands, and $250,000 for development.

TITLE XIII

KEITH SEBELIUS LAKE

SEC. 1301. The water impounded by the Norton Dam, a component of the Almena Unit of the Pick-Sloan Missouri River Basin project, in the State of Kansas, constructed under the general authority of the Act of July 24, 1946 (60 Stat. 641 et seq.) is hereby designated and hereafter shall be known as the "Keith Sebelius Lake". Any law, regulation, record, map, or other document of the United States referring to the waters impounded by the Norton Dam unit of this project shall be held to refer to the "Keith Sebelius Lake", and any future regulations, records, maps, or other documents of the United States, in reference to these waters, shall bear the name "Keith Sebelius Lake".

TITLE XIV

MONOCACY NATIONAL BATTLEFIELD

16 USC 430j.

SEC. 140. (a) The Act entitled "An Act to establish a National Military Park at the battlefield of Monocacy, Maryland" approved June 21, 1934 (48 Stat. 1198) is amended by revising the first section thereof to read as follows: "That in order to commemorate the Battle of Monocacy, Maryland, and to preserve for historical purposes the breastworks, earthworks, walls, or other defenses or shelters used by the armies therein, the battlefield at Monocacy in the State of Maryland is hereby established as the Monocacy National Battlefield. The battlefield shall comprise the area within the boundary generally depicted on the map entitled 'Monocacy National Battlefield', numbered 894/40,001A, and dated April 1980, which shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior.".

Appropriation authorization.

(b) In addition to other funds available for purposes of the park referred to in subsection (a), there is authorized to be appropriated up to an additional $725,000 for acquisition of lands and interests in lands and $1,250,000 for development.

TITLE XV

ROGERS C. B. MORTON RECOGNITION

SEC. 1501. The Secretary is authorized to commemorate, at Assateague Island National Seashore, Maryland, the contributions of Rogers C. B. Morton, as a Member of Congress, and later as Secretary of the Interior, toward the development of the Seashore and to conservation in general. Such commemoration shall be in the form of an appropriate plaque or monument, suitably located, or may subsequently take the form of dedication of a suitable structure. Within one year of the effective date of this section, the Secretary shall inform, in writing, the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, as to actions he has taken to implement the provisions of this section.

Information, submittal to congressional committees.

TITLE XVI

WOMEN'S RIGHTS NATIONAL HISTORICAL PARK

16 USC 410 *ll*.

SEC. 1601. (a) The Congress finds that—

(1) The Women's Rights Convention held at the Wesleyan Methodist Chapel in Seneca Falls, New York, in 1848 was an event of major importance in the history of the United States because it marked the formal beginning of the struggle of women for their equal rights.

(2) The Declaration of Sentiments approved by the 1848 Women's Rights Convention is a document of enduring relevance, which expresses the goal that equality and justice should be extended to all people without regard to sex.

(3) There are nine sites located in Seneca Falls and Waterloo, New York, associated with the nineteenth century women's rights movement which should be recognized, preserved, and interpreted for the benefit of the public.

(b) It is the purpose of this section to preserve and interpret for the education, inspiration, and benefit of present and future generations the nationally significant historical and cultural sites and structures associated with the struggle for equal rights for women and to cooperate with State and local entities to preserve the character and historic setting of such sites and structures.

(c) To carry out the purpose of this section there is hereby established the Women's Rights National Historical Park (hereinafter in this section referred to as the "park"). The park shall consist initially of the following designated sites in Seneca Falls and Waterloo, New York:

(1) Stanton House, 32 Washington Street, Seneca Falls;
(2) dwelling, 30 Washington Street, Seneca Falls;
(3) dwelling, 34 Washington Street, Seneca Falls;
(4) lot, 26-28 Washington Street, Seneca Falls;
(5) former Wesleyan Chapel, 126 Fall Street, Seneca Falls;
(6) theater, 128 Fall Street, Seneca Falls;
(7) Bloomer House, 53 East Bayard Street, Seneca Falls;
(8) McClintock House, 16 East Williams Street, Waterloo; and
(9) Hunt House, 401 East Main Street, Waterloo.

(d) The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, transfer from any other Federal agency, or exchange lands and interests therein within sites designated as part of the park, except that the Secretary may not acquire the fee simple title to the land comprising the sites designated in paragraphs (7) through (9) of subsection (c). Lands and interests therein owned by a State or political subdivision thereof may be acquired only by donation.

(e) The Secretary is authorized to enter into cooperative agreements with the owners of properties designated as part of the park, pursuant to which the Secretary may mark, interpret, improve, restore, and provide technical assistance with respect to the preservation and interpretation of such properties. Such agreements shall contain, but need not be limited to, provisions that the Secretary shall have the right of access at reasonable times to public portions of the property for interpretive and other purposes, and that no changes or alterations shall be made in the property except by mutual agreement.

(f) The Secretary shall encourage State and local governmental agencies to develop and implement plans for the preservation and rehabilitation of sites designated as part of the park and their immediate environs, in order to preserve the historic character of the setting in which such sites are located. The Secretary may provide technical and financial assistance to such agencies in the development and implementation of such plans, but financial assistance may not exceed 50 per centum of the cost thereof.

(g) The Secretary shall administer the park in accordance with the provisions of this section and the provisions of law generally applicable to the administration of units of the National Park System, including the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-7).

Establishment.
Membership.

(h)(1) There is hereby established the Women's Rights National Historical Park Advisory Commission (hereinafter referred to as the "Commission"). The Commission shall consist of eleven members, each appointed by the Secretary for a term of five years as follows:

(A) One member appointed from recommendations submitted by the Elizabeth Cady Stanton Foundation;

(B) One member appointed from recommendations submitted by the Women's Hall of Fame;

(C) Two members appointed from recommendations submitted by the Governor of New York;

(D) One member appointed from recommendations submitted by the village of Seneca Falls;

(E) One member appointed from recommendations submitted by the town of Seneca Falls; and

(F) Five members appointed by the Secretary, at least one of whom shall represent an institution of higher learning and at least two of whom shall represent national women's rights organizations.

(2) The Secretary shall designate one member to be the Chair of the Commission. Any vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

Expenses.

(3) Members of the Commission shall serve without compensation as such, but the Secretary may pay the expenses reasonably incurred by the Commission and its members in carrying out their responsibilities under this section upon presentation of vouchers signed by the Chair of the Commission.

(4) The function of the Commission shall be to advise the Secretary with respect to matters relating to the administration of the park and the carrying out of the provisions of this section. The Secretary shall consult with the Commission from time to time with respect to his responsibilities and authorities under this section.

Termination.

(5) The Commission shall terminate ten years from the effective date of this section.

Appropriation authorization.

(i) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section, but not to exceed $490,000 for acquisition, and $500,000 for development.

TITLE XVII

AUTHORIZATION OF APPROPRIATIONS

SEC. 1701. Authorization of amounts to be appropriated under this Act shall be effective October 1, 1981. Authority to enter into cooperative agreements and to make payments under this Act shall be effective only to such extent or in such amounts as are provided in advance in appropriation Acts.

TITLE XVIII

DEFINITION

SEC. 1801. As used in this Act, except as otherwise specifically provided, the term "Secretary" means the Secretary of the Interior.

Approved December 28, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-1024 accompanying H.R. 3 (Comm. on Interior and Insular Affairs) and No. 96-1520 (Comm. of Conference).
SENATE REPORT No. 96-755 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 126 (1980):
May 20, H.R. 3 considered and passed House.
June 5, considered and passed Senate.
June 17, considered and passed House, amended.
Dec. 3, House and Senate agreed to conference report.

Public Law 96-608
96th Congress

An Act

Dec. 28, 1980
[H.R. 5973]

To amend the Internal Revenue Code of 1954 to waive in certain cases the residency requirements for deductions or exclusions of individuals living abroad, to allow the tax-free rollover of certain distributions from money purchase pension plans, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Internal Revenue Code of 1954, amendment.

SECTION 1. RESIDENCY REQUIREMENTS FOR DEDUCTIONS OR EXCLUSIONS OF INDIVIDUALS LIVING ABROAD.

26 USC 913.

(a) General Rule.—Subsection (j) of section 913 of the Internal Revenue Code of 1954 (relating to deduction for certain expenses of living abroad) is amended by adding at the end thereof the following new paragraph:

"(4) Waiver of period of stay in foreign country.—For purposes of paragraphs (1) and (2) of subsection (a), an individual who—

"(A) for any period is a bona fide resident of or is present in a foreign country,

"(B) leaves such foreign country after August 31, 1978—

"(i) during any period during which the Secretary determines, after consultation with the Secretary of State or his delegate, that individuals were required to leave such foreign country because of war, civil unrest, or similar adverse conditions in such foreign country which precluded the normal conduct of business by such individuals, and

"(ii) before meeting the requirements of such paragraphs (1) and (2), and

"(C) establishes to the satisfaction of the Secretary that he could reasonably have been expected to have met such requirements but for the conditions referred to in clause (i) of subparagraph (B),

shall be treated as having met such requirements with respect to the period described in subparagraph (A) during which he was a bona fide resident or was present in the foreign country."

26 USC 913 note.

(b) Effective Dates.—

(1) In general.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1977.

26 USC 911.

(2) Application for purposes of section 911.—In the case of an individual who leaves the foreign country after August 31, 1978, rules similar to the rules of section 913(j)(4) of the Internal Revenue Code of 1954 (as added by subsection (a)) shall apply for purposes of applying section 911 of such Code for taxable years beginning in 1977 or 1978.

Supra.

SEC. 2. ROLLOVER TREATMENT FOR CERTAIN DISTRIBUTIONS FROM MONEY PURCHASE PENSION PLANS.

(a) General Rule.—Paragraph (6) of section 402(a) of the Internal Revenue Code of 1954 (relating to special rollover rules) is amended by adding at the end thereof the following new subparagraph: 26 USC 402.

"(E) Special rule where employer maintains money purchase pension plan and other pension plan.—

"(i) In general.—In the case of any distribution from a money purchase pension plan which is maintained by an employer, for purposes of paragraph (5)(D)(i)(II), subsection (e)(4)(C) shall be applied by not taking into account any pension plan maintained by such employer which is not a money purchase pension plan. The preceding sentence shall not apply to any distribution which is a qualifying rollover distribution without regard to this subparagraph.

"(ii) Treatment of subsequent distributions.—If—

"(I) any distribution of the balance to the credit of an employee from a money purchase pension plan maintained by an employer is treated as a qualifying rollover distribution by reason of clause (i), and

"(II) any portion of such distribution is transferred in a transfer to which paragraph (5)(A) applies,

then paragraph (2) of subsection (a), and paragraphs (1) and (3) of subsection (e), shall not apply to any distribution (after the taxable year in which the distribution described in subparagraph (A) of paragraph (5) is made) of the balance to the credit of such employee from any other pension plan maintained by such employer."

(b) Effective Dates.— 26 USC 402 note.

(1) In general.—The amendment made by subsection (a) shall apply to payments made in taxable years beginning after December 31, 1978.

(2) Transitional rule.—In the case of any payment made before January 1, 1982, in a taxable year beginning after December 31, 1978, which is treated as a qualifying rollover distribution (as defined in section 402(a)(5)(D)(i) of the Internal Revenue Code of 1954) by reason of the amendment made by subsection (a), the applicable period specified in section 402(a)(5)(C) of such Code shall not expire before the close of December 31, 1981.

SEC. 3. TREATMENT OF CERTAIN REPAYMENTS OF SUPPLEMENTAL UNEMPLOYMENT COMPENSATION BENEFITS.

(a) General Rule.—Section 62 of the Internal Revenue Code of 1954 (defining adjusted gross income) is amended by inserting after paragraph (15) the following new paragraph: 26 USC 62.

"(16) Certain required repayments of supplemental unemployment compensation benefits.—The deduction allowed by section 165 for the repayment to a trust described in paragraph (9) or (17) of section 501(c) of supplemental unemployment compensation benefits received from such trust if such repayment is required because of the receipt of trade readjustment allowances under section 231 or 232 of the Trade Act of 1974 (19 U.S.C. 2291 and 2292)." 26 USC 165. 26 USC 501.

(b) Effective Date.—The amendment made by subsection (a) shall apply to repayments made in taxable years beginning after the date of the enactment of this Act. 26 USC 62 note.

SEC. 4. TAX TREATMENT OF EXPENSES IN ATTENDING FOREIGN CONVENTIONS.

26 USC 274.

(a) In General.—Subsection (h) of section 274 of the Internal Revenue Code of 1954 (relating to attendance at foreign conventions, etc.) is amended to read as follows:

"(h) Attendance at Conventions, Etc.—

"(1) In general.—In the case of any individual who attends a convention, seminar, or similar meeting which is held outside the North American area, no deduction shall be allowed under section 162 or 212 for expenses allocable to such meeting unless the taxpayer establishes that the meeting is directly related to the active conduct of his trade or business or to an activity described in section 212 and that, after taking into account in the manner provided by regulations prescribed by the Secretary—

26 USC 162, 212.

"(A) the purpose of such meeting and the activities taking place at such meeting,

"(B) the purposes and activities of the sponsoring organizations or groups,

"(C) the residences of the active members of the sponsoring organization and the places at which other meetings of the sponsoring organization or groups have been held or will be held, and

"(D) such other relevant factors as the taxpayer may present,

it is as reasonable for the meeting to be held outside the North American area as within the North American area.

"(2) Conventions on cruise ships.—In the case of any individual who attends a convention, seminar, or other meeting which is held on any cruise ship, no deduction shall be allowed under section 162 or 212 for expenses allocable to such meeting.

"(3) Definitions.—For purposes of this subsection—

"(A) North american area.—The term 'North American area' means the United States, its possessions, and the Trust Territory of the Pacific Islands, and Canada and Mexico.

"(B) Cruise ship.—The term 'cruise ship' means any vessel sailing within or without the territorial waters of the United States.

"(4) Subsection to apply to employer as well as to traveler.—

"(A) Except as provided in subparagraph (B), this subsection shall apply to deductions otherwise allowable under section 162 or 212 to any person, whether or not such person is the individual attending the convention, seminar, or similar meeting.

"(B) This subsection shall not deny a deduction to any person other than the individual attending the convention, seminar, or similar meeting with respect to any amount paid by such person to or on behalf of such individual if includible in the gross income of such individual. The preceding sentence shall not apply if the amount is required to be included in any information return filed by such person under part III of subchapter A of chapter 61 and is not so included.".

26 USC 6001.

26 USC 274 note.

(b) Effective Date.—The amendment made by subsection (a) of this section shall apply to conventions, seminars, and meetings beginning after December 31, 1980, except that in the case of any convention, seminar, or meeting beginning after such date which was scheduled on or before such date, a person, in such manner as the Secretary of the Treasury or his delegate may prescribe, may elect to have the provisions of section 274(h) of the Internal Revenue Code of 1954 be applied to such convention, seminar or meeting without regard to such amendment. *Ante*, p. 3552.

SEC. 5. TAXES ON SELF-DEALING IN THE CASE OF CERTAIN LEASES.

Section 4941(d)(2) of the Internal Revenue Code of 1954 (relating to special rules in the case of self-dealing) is amended— 26 USC 4941.

(1) by striking out "and" at the end of subparagraph (F);

(2) by striking out the period at the end of subparagraph (G) and inserting a semicolon and "and"; and

(3) by adding at the end thereof the following:

"(H) the leasing by a disqualified person to a private foundation of office space for use by the foundation in a building with other tenants who are not disqualified persons shall not be treated as an act of self-dealing if—

"(i) such leasing of office space is pursuant to a binding lease which was in effect on October 9, 1969, or pursuant to renewals of such a lease;

"(ii) the execution of such lease was not a prohibited transaction (within the meaning of section 503(b) or any corresponding provision of prior law) at the time of such execution; and 26 USC 503.

"(iii) the terms of the lease (or any renewal) reflect an arm's-length transaction."

SEC. 6. TREATMENT OF CERTAIN INDEBTEDNESS INCURRED BEFORE 1965 FOR PURPOSES OF SECTION 514.

(a) General Rule.—For purposes of applying section 514 of the Internal Revenue Code of 1954 with respect to any sale of real property during 1976, indebtedness incurred before January 1, 1965, by an organization to finance the construction of a building on such property shall not be treated as acquisition indebtedness if the parcel of real property on which such building was constructed— 26 USC 514.

(1) was acquired by such organization before January 1, 1952, and

(2) is contiguous to another parcel of real property which—

(A) was acquired by such organization before January 1, 1952, and

(B) was used by such organization, on January 1, 1952, and at all times thereafter before the date of the enactment of this Act, in a manner which meets the requirements of section 514(b)(1)(A) of such Code (relating to property used in carrying out exempt purpose). 26 USC 514.

(b) EFFECTIVE DATE.—The provisions of subsection (a) shall apply to sales during calendar year 1976.

Approved December 28, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-689 (Comm. on Ways and Means).
SENATE REPORT No. 96-1031 (Comm. on Finance).
CONGRESSIONAL RECORD:
Vol. 125 (1979): Dec. 17, considered and passed House.
Vol. 126 (1980): Dec. 13, considered and passed Senate, amended; House agreed to Senate amendments.

Public Law 96-609
96th Congress

An Act

To provide for the temporary suspension of certain duties, to extend certain existing suspensions of duties, and for other purposes.

Dec. 28, 1980
[H.R. 5047]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Tariff Schedules, temporary duty suspensions.

TITLE I—AMENDMENTS TO TARIFF SCHEDULES

SEC. 101. AMENDMENT OF TARIFF SCHEDULES; DEFINITION OF ENTERED.

(a) Whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a schedule, item, or other provision, the reference shall be considered to be made to a schedule, item, or other provision of the Tariff Schedules of the United States (19 U.S.C. 1202).

(b) For purposes of this title, the term "entered" means entered, or withdrawn from warehouse, for consumption within the customs territory of the United States.

SEC. 102. FOREIGN MATERIALS DETERMINATIONS RELATING TO TARIFF TREATMENT OF PRODUCTS OF INSULAR POSSESSIONS.

19 USC 1202.

General headnote 3(a)(ii) is amended to read as follows:

"(ii) In determining whether an article produced or manufactured in any such insular possession contains foreign materials to the value of more than 50 percent, no material shall be considered foreign which either—

"(A) at the time such article is entered, or

"(B) at the time such material is imported into the insular possession,

may be imported into the customs territory from a foreign country, other than Cuba or the Philippine Republic, and entered free of duty; except that no article containing material to which (B) of this subdivision applies shall be exempt from duty under subdivision (i) unless adequate documentation is supplied to show that the material has been incorporated into such article during the 18-month period after the date on which such material is imported into the insular possession.".

SEC. 103. YARNS OF SILK.

19 USC 1202.

(a) Subpart D of part 1 of schedule 3 is amended—

(1) by amending item 308.40 by striking out "8.1% ad val." and "40% ad val." in rate columns numbered 1 and 2, respectively, and inserting in lieu thereof "Free", and by striking out "5% ad val." in the LDDC column; and

(2) by amending item 308.50 by striking out "11.6% ad val." and "50% ad val." in rate columns numbered 1 and 2, respectively, and inserting in lieu thereof "Free", and by striking out "5% ad val." in the LDDC column.

Repeal.

(b) Items 905.30 and 905.31 are repealed.

(c) The amendments made by subsections (a) and (b) shall apply with respect to articles entered after June 30, 1980.

SEC. 104. POPPY STRAW EXTRACT.

19 USC 1202.

(a) Part 3 of schedule 4 is amended by inserting in numerical sequence the following new item—

"	435.72	Poppy straw extract	Free	Free	".

Repeal.

(b) Item 907.70 is repealed.

(c) The amendments made by subsections (a) and (b) apply with respect to articles entered after June 30, 1980.

SEC. 105. CERTAIN VALUABLE WASTES.

19 USC 1202.

Headnote 2(b)(ii) of subpart C of part 5 of schedule 8 is amended to read as follows:

> "(ii) all articles and valuable wastes resulting from such processing will be exported or destroyed under customs supervision within the bonded period; except that in lieu of the exportation or destruction of valuable wastes, duties may be tendered on such wastes at rates of duties in effect for such wastes at the time of importation.".

SEC. 106. WATER CHESTNUTS AND BAMBOO SHOOTS.

19 USC 1202.

(a) Subpart B of part 1 of the Appendix is amended by inserting in numerical sequence the following new items:

"	903.45	Water chestnuts or bamboo shoots, frozen (provided for in item 137.87 or 138.45, part 8A, schedule 1)	Free	Free	On or before 6/30/83	
	903.50	Water chestnuts (provided for in item 141.70, part 8C, schedule 1)	Free	Free	On or before 6/30/83	
	903.55	Bamboo shoots in airtight containers (provided for in item 141.78, part 8C, schedule 1)	Free	Free	On or before 6/30/83	".

(b) The amendment made by subsection (a) shall apply with respect to articles entered on or after the date of the enactment of this Act.

SEC. 107. URETHANE CURING AGENT (TMAB).

19 USC 1202.

(a) Subpart B of part 1 of the Appendix is amended by inserting in numerical sequence the following new item:

"	907.05	Bis(4-aminobenzoate)-1, 3-propanediol (trimethylene glycol di-p-aminobenzoate) (however provided for in items 402.36 through 406.63, part 1B, schedule 4)	Free	No change	On or before 6/30/83	".

(b) The amendment made by subsection (a) shall apply with respect to articles entered on or after the date of the enactment of this Act.

SEC. 108. COLOR COUPLERS AND COLOR INTERMEDIATES.

(a)(1) Item 907.10 of the Appendix is amended by striking out "provided for in item 403.60," and inserting in lieu thereof "however provided for in items 402.36 through 406.63," and by striking out "6/30/80" and inserting in lieu thereof "6/30/82".

(2) Item 907.12 of the Appendix is amended by striking out "405.20," and inserting in lieu thereof "408.41,", and by striking out "6/30/80" and inserting in lieu thereof "6/30/82".

(b) The amendments made by subsection (a) shall apply with respect to articles entered after June 30, 1980.

SEC. 109. DOXORUBICIN HYDROCHLORIDE.

(a) Item 907.20 of the Appendix is amended by striking out "407.85," and inserting in lieu thereof "411.76,", and by striking out "6/30/80" and inserting in lieu thereof "6/30/82".

(b) The amendment made by subsection (a) shall apply with respect to articles entered after June 30, 1980.

SEC. 110. LEVULOSE.

(a) Item 907.90 of the Appendix is amended by striking out "10% ad val." and inserting in lieu thereof "Free", and by striking out "6/30/80" and inserting in lieu thereof "12/31/81".

(b) The amendments made by subsection (a) shall apply with respect to articles entered after June 30, 1980.

SEC. 111. FLAT KNITTING MACHINES.

19 USC 1202.

(a) Subpart B of part 1 of the Appendix is amended by striking out items 912.07 and 912.08, and by inserting in numerical sequence the following new item:

"	912.13	Power-driven flat knitting machines over 20 inches in width (provided for in item 670.19 or 670.20, part 4E, schedule 6)........................	Free	No change	On or before 6/30/83	".

(b) The amendments made by subsection (a) shall apply with respect to articles entered on or after the date of the enactment of this Act.

SEC. 112. WARP KNITTING MACHINES.

19 USC 1202.

(a) Subpart B of Part 1 of the Appendix is amended by inserting in numerical sequence the following new item:

"	912.14	Warp knitting machines (provided for in item 670.20, part 4E, schedule 6)............................	Free	No change	On or before 6/30/83	".

(b) The amendment made by subsection (a) shall apply with respect to articles entered on or after the date of the enactment of this Act.

SEC. 113. CHIPPER KNIFE STEEL.

19 USC 1202.

(a) Subpart B of part 1 of the Appendix is amended by inserting in numerical sequence the following new item:

"	911.29	Chipper knife steel (provided for in item 606.93, part 2B, schedule 6)............................	4.6% ad val.	No change	On or before 9/30/82	".

(b) The amendment made by subsection (a) shall apply with respect to articles entered on or after the date of the enactment of this Act.

SEC. 114. UNWROUGHT LEAD.

19 USC 1202.

(a) Subpart B of part 1 of the Appendix is amended by inserting in numerical sequence the following item:

"	911.50	Unwrought lead other than lead bullion (provided for in item 624.03, part 2G, schedule 6)	3% ad val. on the value of the lead content, but not less than 1.0625¢ per lb. on the lead content.	No change	On or before 6/30/83
					".

(b) Before July 1, 1983—

(1) no modification of the temporary column 1 rate of duty in item 911.50 (as added by subsection (a)) may be proclaimed by the President under any authority of law except title II of the Trade Act of 1974; and

19 USC 2251.

(2) no duty or other import fee, except that provided for in such item 911.50 and those provided for under the amendments made by title I of the Trade Agreements Act of 1979, may be imposed on unwrought lead provided for in such item.

19 USC 1671.

(c) The amendment made by subsection (a) shall apply with respect to articles entered on or after the date of the enactment of this Act.

(d) Upon request therefor filed with the customs officer concerned on or before the 90th day after the date of enactment of this Act, the entry, or withdrawal from warehouse, for consumption of any article described in item 624.03 of the Tariff Schedules of the United States and—

(1) that was made on or after January 1, 1980, and before the date of the enactment of this Act; and

(2) with respect to which the duty would have been different if the amendment made by subsection (a) applied to such entry or withdrawal;

shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated as though such entry or withdrawal had been made on the date of the enactment of this Act.

19 USC 1514.

SEC. 115. CERTAIN FISH NET AND NETTING PURCHASES AND REPAIRS.

(a) Section 466 of the Tariff Act of 1930 (19 U.S.C. 1466) is amended by adding at the end thereof the following new subsection:

"(g) The duty imposed by subsection (a) shall not apply to entries on and after October 1, 1979, and before January 1, 1982, of—

"(1) tuna purse seine nets and netting which are equipments or parts thereof,

"(2) repair parts for such nets and netting, or materials used i repairing such nets and netting, or

"(3) the expenses of repairs of such nets and netting for any United States documented tuna purse seine vessel of greate than 500 tons carrying capacity or any United States tuna purse sein vessel required to carry a certificate of inclusion under the genera permit issued to the American Tunaboat Association pursuant t section 104 of the Marine Mammal Protection Act of 1972.".

16 USC 1374.
19 USC 1466 note.

(b) Upon request therefor filed with the customs officer concerne on or before the 90th day after the date of the enactment of this Ac the entry of any article to which section 466(a) of the Tariff Act 1930 applied and—

19 USC 1466.

(1) that was made on or after October 1, 1979, and before th date of the enactment of this Act; and

(2) with respect to which there would have been no duty if th amendment made by subsection (a) applied to such entry withdrawal;

shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated as 19 USC 1514. though such entry or withdrawal had been made on the date of the enactment of this Act.

SEC. 116. WOOD VENEERS.

(a) Part 3 of schedule 2 is amended as follows: 19 USC 1202.

(1) Item 240.00 is amended by striking out "1% ad val." in rate column numbered 1 and inserting in lieu thereof "Free", and by striking out "Free" in the LDDC rate column.

(2) Item 240.02 is amended by striking out "7% ad val." in rate column numbered 1 and inserting in lieu thereof "Free", and by striking out "4% ad val." in the LDDC column.

(3) Item 240.03 is amended by striking out "2% ad val." in rate column numbered 1 and inserting in lieu thereof "Free", and by striking out "Free" in the LDDC column.

(4) Item 240.04 is amended by striking out "5% ad val." in rate column numbered 1 and inserting in lieu thereof "Free", and by striking out "3.2% ad val." in the LDDC column.

(5) Item 240.06 is amended by striking out "2% ad val." in rate column numbered 1 and inserting in lieu thereof "Free", and by striking out "Free" in the LDDC column.

(b) The amendments made by subsection (a) shall apply with respect to articles entered on or after the date of the enactment of this Act.

SEC. 117. EPHEDRINE, RACEPHEDRINE, AND THEIR SALTS.

Effective with respect to articles entered on or after the date of the enactment of this Act—

(a) Subpart C of part 1 of schedule 4 is amended by striking out item 19 USC 1202. 411.32 and inserting the following new items in lieu thereof:

" 411.30	Pseudoephedrine and its salts	15.5% ad val.	7.6% ad val.	7¢ per lb. + 59% ad val.	
411.31	Ephedrine, racephedrine, and their salts	4.8% ad val.	3.7% ad val.	7¢ per lb. + 59% ad val.	".

(b) The rates of duty in column numbered 1 for items 411.30 and 411.31 of the Tariff Schedules of the United States (19 U.S.C. 1202) (as added by subsection (a)) shall be subject to any staged rate reductions proclaimed by the President for items 411.32 and 437.20, respectively, which have been proclaimed by the President before the date of the enactment of this Act.

(c) Whenever the rate of duty specified in the column numbered 1 for item 411.30 or 411.31 of the Tariff Schedules of the United States (19 U.S.C. 1202) (as added by subsection (a)) is reduced to the same level as the corresponding rate of duty specified in the column entitled "LDDC" for such item, or to a lower level, the rate of duty in the column entitled "LDDC" shall be deleted from such Schedules.

(d) For purposes of the Trade Act of 1974, the amendments made by 19 USC 2101. this section (not including the rates of duty in column numbered 2 of the Tariff Schedules of the United States) shall be considered to be trade agreement obligations entered into and proclaimed under the Trade Act of 1974 of benefit to foreign countries or instrumentalities.

(e) The amendment made by subsection (a) shall apply with respect to articles entered on or after the date of the enactment of this Act.

SEC. 118. SPECIAL EFFECTIVE DATE PROVISION.

Upon request therefor filed with the customs officer concerned on or before the 180th day after the date of the enactment of this Act, the entry of any article—

(1) which was made after June 30, 1980, and before such date of enactment, and

(2) with respect to which there would have been no duty if the amendment or amendments, as the case may be, made by sections 103, 104, 108, 109, and 110 applied to such entry,

shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated as though such entry had been made on June 30, 1980.

19 USC 1514.

SEC. 119. HOVERCRAFT SKIRTS.

19 USC 1202.

(a) Subpart B of part 1 of the Appendix is amended by inserting in numerical sequence the following new item:

"	905.40	Textile fabrics of manmade fibers, coated or filled or laminated with natural rubber, for use in the manufacture of skirts for hovercraft (provided for in item 359.50, part 4C, schedule 3)	Free	No change	On or before 6/30/83.	".

(b) The amendment made by subsection (a) shall apply with respect to articles entered on or after the date of the enactment of this Act.

TITLE II—AMENDMENTS TO OTHER TRADE LAWS

SEC. 201. SAME CONDITION DRAWBACK.

(a) Section 313 of the Tariff Act of 1930 (19 U.S.C. 1313) is amended—

(1) by redesignating subsections (j) and (k) as subsections (k) and (l), respectively; and

(2) by inserting immediately after subsection (i) the following:

"(j) Same Condition Drawback.—(1) If imported merchandise, on which was paid any duty, tax, or fee imposed under Federal law because of its importation—

"(A) is, before the close of the three-year period beginning on the date of importation—

"(i) exported in the same condition as when imported, or

"(ii) destroyed under Customs supervision; and

"(B) is not used within the United States before such exportation or destruction;

then upon such exportation or destruction 99 per centum of the amount of each such duty, tax, and fee so paid shall be refunded as drawback.

"(2) The performing of incidental operations (including, but not limited to, testing, cleaning, repacking, and inspecting) on the imported merchandise itself, not amounting to manufacture or production for drawback purposes under the preceding provisions of this section, shall not be treated as a use of that merchandise for purposes of applying paragraph (1)(B).".

19 USC 1313 note.

(b) The amendments made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

SEC. 202. INFORMAL ENTRY OF CERTAIN UNITED STATES PRODUCTS.

Section 498(a) of the Tariff Act of 1930 (19 U.S.C. 1498(a)) is amended—

(1) by redesignating paragraphs (2) through (11) as paragraphs (3) through (12), respectively; and

(2) by inserting immediately after paragraph (1) the following new paragraph:

"(2) Products of the United States, when the aggregate value of the shipment does not exceed $10,000 and the products are imported—

"(A) for the purposes of repair or alteration prior to reexportation, or

"(B) after having been either rejected or returned by the foreign purchaser to the United States for credit;".

SEC. 203. TECHNICAL AMENDMENTS TO THE TRADE AGREEMENTS ACT OF 1979.

(a) The Trade Agreements Act of 1979 (Public Law 96-39; 93 Stat. 144 et seq.) is amended as follows:

(1) Section 852 is amended by striking out: 19 USC 1202.

"So much of subpart D of part 12 of schedule 1 of the Tariff Schedules of the United States as follows headnote 1 is amended to read as follows:

"'	Aquavit:				'"

and inserting in lieu thereof the following:

"Subpart D of part 12 of schedule 1 of the Tariff Schedules of the United States is amended to read as follows:

"'	Subpart D headnote: 1. The rates of duty provided for the products enumerated in this subpart shall be assessed on a proof gallon basis (i.e., the rates shown indicate the amount of duty which shall be collected on each gallon of an imported product at 100 proof). The amount of duty which shall be collected for each gallon of a product which is imported at more than or less than 100 proof shall bear the same ratio to the applicable rate of duty as the proof of the imported product bears to 100 proof.				
	Aquavit:				'"

(2) Paragraph (1) of section 1107(a) is amended to read as follows: 19 USC 1202.

"(1) by inserting 'and' after 'subpart E,', and by striking out 'headnote 4' and inserting in lieu thereof 'headnote 3', in headnote 3(a)(i), and".

(3) The amendments made by this subsection shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after January 1, 1980.

(b) The amendments made to the Trade Agreements Act of 1979 by section 14(a)(3)(A) of Public Law 96-467 with respect to items 678.50, 694.15, 694.20, and 694.40 of the Tariff schedules of the United States shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after January 1, 1980.

19 USC 2501.
Ante, p. 2225.

SEC. 204. FOREIGN-TRADE ZONES BOARD REPORTS.

Section 16(c) of the Act entitled "An Act to provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes", approved June 18, 1934 (48 Stat. 1002; 19 U.S.C. 81p(c)), is amended by striking out "on the first day of each regular session" and inserting in lieu thereof "by April 1 of each year".

SEC. 205. COUNTRY-OF-ORIGIN DETERMINATIONS.

19 USC 2515 note.
19 USC 2171 note.

Notwithstanding subparagraph (1)(A) of subsection 5(a) of Reorganization Plan No. 3 of 1979 (44 F.R. 69272, 93 Stat. 1381), the Secretary of the Treasury or his delegate shall issue such advisory rulings and make such determinations as are authorized by subsection 305(b)(1) of the Trade Agreements Act of 1979 (19 U.S.C. 2515(b)(1)).

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. TECHNICAL AMENDMENTS TO THE TARIFF SCHEDULES.

(a) The Tariff Schedules of the United States (19 U.S.C. 1202) are amended—

(1) by striking out "4% ad val." in rate of duty column numbered 1 for item 470.18 and inserting in lieu thereof "3.9% ad val.",

(2) by inserting "3.1% ad val." in the column entitled "LDDC" for item 470.18, and

(3) by striking out "provided for in item 403.60," in item 907.11 of the Appendix and inserting in lieu thereof "however provided for in items 402.36 through 406.63,".

(b) The rates of duty in column numbered 1 for item 470.18 of the Tariff Schedules of the United States (19 U.S.C. 1202) shall be subject to any staged rate reductions for item 470.15, which have been proclaimed by the President before the date of the enactment of this Act.

(c) Whenever the rate of duty specified in column numbered 1 for item 470.18 of the Tariff Schedules of the United States (19 U.S.C. 1202) is reduced to the same level as the corresponding rate of duty specified in the column entitled "LDDC" for such item, or to a lower level, the rate of duty in the column entitled "LDDC" for such item shall be deleted.

19 USC 2101.

(d) For purposes of the Trade Act of 1974, the amendments made by paragraphs (1) and (2) of subsection (a) shall be considered to be trade agreement obligations entered into and proclaimed under the Trade Act of 1974, of benefit to foreign countries or instrumentalities.

(e) This section, and the amendments made by this section, shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after October 17, 1980.

SEC. 302. CONVEYANCE OF CERTAIN LANDING CRAFT TO COOS COUNTY, OREGON.

40 USC 304f.

(a) Notwithstanding any provision of title III of the Liquor Law Repeal and Enforcement Act (49 Stat. 879), and subject to subsection (b), the District Director of the United States Customs Service, Portland, Oregon, is authorized and directed to convey to the Coos County sheriff's office, Coos County, Oregon, all right, title, and interest of the United States to the three lighter amphibious resupply cargo craft (LARC's) seized by officers of such Customs Service and officers of such sheriff's office in the drug raid conducted jointly by such officers on December 31, 1977, at Bandon, Coos County, Oregon.

(b) The conveyance described in subsection (a) shall be made subject to the payment by the Coos County sheriff's office of such storage or other expenses which may have been incurred with respect to the craft described in such section from the date of seizure of such craft to the date of delivery to the sheriff's office.

Approved December 28, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1109 (Comm. on Ways and Means).
SENATE REPORT No. 96-999 (Comm. on Finance).
CONGRESSIONAL RECORD, Vol. 126 (1980):
July 21, considered and passed House.
Dec. 13, considered and passed Senate, amended; House agreed to Senate amendments.

Public Law 96-610
96th Congress

An Act

Dec. 28, 1980
[S. 2729]

To authorize certain emergency repairs at the National Visitor Center in the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Visitor Center Emergency Repair Act of 1980".

National Visitor Center Emergency Repair Act of 1980.
40 USC 801 note.
Appropriation authorization.
40 USC 802 note.

SEC. 2. (a) There is hereby authorized to be appropriated to the Secretary of the Interior for the fiscal year ending September 30, 1981, the sum of $11,000,000 for the purpose of making emergency repairs to the primary structure and roofs of the National Visitor Center in the District of Columbia and for the purpose of providing protection of the structural elements of the unfinished parking facility and southeast ramp at such Center. Such sum shall remain available until expended.

(b) Prior to entering into any contract for the repairs or protection authorized by subsection (a) of this section, the Secretary of the Interior shall consult with the Secretary of Transportation regarding the planning for such repairs or protection.

Repairs, liability.
40 USC 802 note.

SEC. 3. (a) The Office of Legal Counsel of the Department of Justice shall prepare an opinion on the question of whether the United States or the Terminal Realty Baltimore Co. and the Terminal Realty Penn Co. are legally liable for the repairs anticipated by the provisions of this Act. If the Office of Legal Counsel determines that there is a reasonable cause to believe a party other than the United States is legally obligated to bear all or a portion of the costs of that repair authorized by this Act, the Attorney General shall institute an action to recover expenditures that were incurred by the Secretary pursuant to this Act.

(b) None of the actions taken pursuant to the provisions of this Act shall be deemed to limit or affect in any way the rights of the United States under the lease for real property between Terminal Realty Baltimore Co. and Terminal Realty Penn Co. and the United States of America, dated March 1, 1972, or any additions or modifications thereto.

Contract.
40 USC 809.

SEC. 4. The Architect of the Capitol may enter into a contract or other agreement with the Secretary of the Interior providing for the Architect of the Capitol to furnish steam from the Capitol Power Plant to the Union Station-National Visitor Center complex. Under

such contract, the Secretary of the Interior shall pay for such steam at rates, not less than cost, and shall connect the Union Station-National Visitor Center complex with the Capitol Power Plant steam lines without expenses to the Congress.

Approved December 28, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-902 accompanying H.R. 6674 (Comm. on Public Works and Transportation).
SENATE REPORT No. 96-775 (Comm. on Environment and Public Works).
CONGRESSIONAL RECORD, Vol. 126 (1980):
Dec. 13, considered and passed Senate and House.

Public Law 96-611
96th Congress

An Act

Dec. 28, 1980
[H.R. 8406]

To amend title XVIII of the Social Security Act to provide for medicare coverage of pneumococcal vaccine and its administration.

Social Security Act, amendment.
42 USC 1395x.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a)(1) section 1861(s) of the Social Security Act is amended—

(A) by redesignating paragraphs (10) through (13) as paragraphs (11) through (14), respectively;

(B) by striking out "and" at the end of paragraph (8);

(C) by striking out the period at the end of paragraph (9) and inserting in lieu thereof "; and"; and

(D) by inserting after paragraph (9) the following paragraph:

"(10) pneumococcal vaccine and its administration.".

42 USC 1395aa.

(2) Section 1864(a) of such Act is amended by striking out "paragraphs (10) and (11) of section 1861(s)" and inserting in lieu thereof "paragraphs (11) and (12) of section 1861(s)".

42 USC 1395y.

(3) Section 1862(a) of such Act is amended—

(A) by inserting ", or, in the case of items and services described in section 1861(s)(10), which are not reasonable and necessary for the prevention of illness" before the semicolon at the end of paragraph (1), and

(B) by inserting "(except as otherwise allowed under section 1861(s)(10) and paragraph (1))" in paragraph (7) after "immunizations".

42 USC 1395*l*.
Ante, pp. 2634, 2637, 2641.

(b)(1) Section 1833(a) of such Act (as amended by sections 932(a)(1)(B), 934(d), and 942 of the Medicare and Medicaid Amendments of 1980) is amended—

(A) by striking out "and" before "(G)" in paragraph (1);

(B) by inserting at the end of paragraph (1) the following: "and (H) with respect to items and services described in section 1861(s)(10), the amounts paid shall be 100 percent of the reasonable charges for such items and services,";

(C) by inserting "and to items and services described in section 1861(s)(10)" in paragraph (2)(A) after "home health services"; and

(D) by inserting "(other than for items and services described in section 1861(s)(10))" in paragraph (3) after "but in no case may the payment for such services".

(2) The first sentence of section 1833(b) of such Act is amended by inserting "(A)" in clause (2) after "expenses incurred", and by inserting before the comma at the end of such clause the following: ", or (B) for items and services described in section 1861(s)(10)".

(3) Subparagraph (A) of section 1861(aa)(1) of such Act is amended by inserting before the comma at the end the following: "and items and services described in section 1861(s)(10)".

42 USC 1395cc.

(4) Section 1866(a)(2)(A) of such Act is amended by adding at the end the following new sentence: "A provider of services may not impose a charge under clause (ii) of the first sentence of this subparagraph with respect to items and services described in section 1861(s)(10) for which payment is made under part B.".

SEC. 2. The amendments made by this Act shall take effect on, and apply to services furnished on or after, July 1, 1981.

Effective date. 42 USC 1395*l* note.

PAYMENTS TO STATES FOR ADOPTION ASSISTANCE AND FOSTER CARE

SEC. 3. Section 474 of the Social Security Act is amended by adding at the end the following new subsection:

42 USC 674.

"(d)(1) The Secretary shall, prior to the beginning of each quarter, estimate the amount to which a State will be entitled under subsections (a), (b), and (c) for such quarter, such estimates to be based on (A) a report filed by the State containing its estimate of the total sum to be expended in such quarter in accordance with the provisions of such subsections, and stating the amount appropriated or made available by the State and its political subdivisions for such expenditures in such quarter, and if such amount is less than the State's proportionate share of the total sum of such estimated expenditures, the source or sources from which the difference is expected to be derived, (B) records showing the number of children in the State receiving assistance under this part, and (c) such other investigation as the secretary may find necessary.

Estimates, State entitlement.

"(2) The Secretary shall then pay to the State, in such installments as he may determine, the amounts so estimated, reduced or increased to the extent of any overpayment or underpayment which the Secretary determines was made under this section to such State for any prior quarter and with respect to which adjustment has not already been made under this subsection.

"(3) The pro rata share to which the United States is equitably entitled, as determined by the Secretary, of the net amount recovered during any quarter by the State or any political subdivision thereof with respect to foster care and adoption assistance furnished under the State plan shall be considered an overpayment to be adjusted under this subsection.".

Pro rata share.

SEC. 4. Section 406(a)(2) of the Social Security Act is amended—

42 USC 606.

(1) by inserting "at the option of the State," after "(B)"; and

(2) by inserting before the semicolon at the end thereof the following: ", or (C) at the option of the State, under the age of twenty-one and (as determined by the State in accordance with standards prescribed by the Secretary) a student regularly attending a school in grade twelve or below or regularly attending a course of vocational or technical training, other than a course provided by or through a college or university, designed to fit him for gainful employment".

SEC. 5. (a) Section 1613 of the Social Security Act is amended by adding at the end thereof the following new subsection:

42 USC 1382b.

"DISPOSAL OF RESOURCES FOR LESS THAN FAIR MARKET VALUE

"(c)(1) In determining the resources of an individual (and his eligible spouse, if any) there shall be included (but subject to the exclusions under subsection (a)) any resource (or interest therein) owned by such individual or eligible spouse within the preceding 24 months if such individual or eligible spouse gave away or sold such resource or interest at less than fair market value of such resource or interest for the purpose of establishing eligibility for benefits or assistance under this Act.

"(2) Any transaction described in paragraph (1) shall be presumed to have been for the purpose of establishing eligibility for benefits or assistance under this Act unless such individual or eligible spouse

Benefits, eligibility.

furnishes convincing evidence to establish that the transaction was exclusively for some other purpose.

Fair market value or interest.

"(3) For purposes of paragraph (1) the value of such a resource or interest shall be the fair market value of such resource or interest at the time it was sold or given away, less the amount of compensation received for such resource or interest, if any.".

42 USC 1396a.

(b) Section 1902 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(j)(1) Notwithstanding any other provision of this title, an individual who would otherwise be eligible for medical assistance under the State plan approved under this title may be denied such assistance if such individual would not be eligible for such medical assistance but for the fact that he disposed of resources for less than fair market value. If the State plan provides for the denial of such assistance by reason of such disposal of resources, the State plan shall specify a procedure for implementing such denial which, except as provided in paragraph (2), is not more restrictive than the procedure specified in section 1613(c) of this Act.

Ante, p. 3567.
Ineligibility period.

"(2) In any case where the uncompensated value of disposed of resources exceeds $12,000, the State plan may provide for a period of ineligibility which exceeds 24 months. If a State plan provides for a period of ineligibility exceeding 24 months, such plan shall provide for the period of ineligibility to bear a reasonable relationship to such uncompensated value.

Medical assistance, eligibility.

"(3) In any case where an individual is ineligible for medical assistance under the State plan solely because of the applicability to such individual of the provisions of section 1613(c), the State plan may provide for the eligibility of such individual for medical assistance under the plan if such individual would be so eligible if the State plan requirements with respect to disposal of resources applicable under paragraphs (1) and (2) of this subsection were applied in lieu of the provisions of section 1613(c).".

Effective date.
42 USC 1382b note.
42 USC 1381.

(c) The amendment made by subsection (a) shall be effective with respect to applications for benefits under title XVI of the Social Security Act filed on or after the first day of the first month which begins at least 60 days after the date of enactment of this Act.

SHORT TITLE

Parental Kidnaping Prevention Act of 1980.
42 USC 1305 note.
28 USC 1738A note.

SEC. 6. Sections 6 to 10 of this Act may be cited as the "Parental Kidnaping Prevention Act of 1980".

FINDINGS AND PURPOSES

SEC. 7. (a) The Congress finds that—

(1) there is a large and growing number of cases annually involving disputes between persons claiming rights of custody and visitation of children under the laws, and in the courts, of different States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States;

(2) the laws and practices by which the courts of those jurisdictions determine their jurisdiction to decide such disputes, and the effect to be given the decisions of such disputes by the courts of other jurisdictions, are often inconsistent and conflicting;

(3) those characteristics of the law and practice in such cases, along with the limits imposed by a Federal system on the authority of each such jurisdiction to conduct investigations and

take other actions outside its own boundaries, contribute to a tendency of parties involved in such disputes to frequently resort to the seizure, restraint, concealment, and interstate transportation of children, the disregard of court orders, excessive relitigation of cases, obtaining of conflicting orders by the courts of various jurisdictions, and interstate travel and communication that is so expensive and time consuming as to disrupt their occupations and commercial activities; and

(4) among the results of those conditions and activities are the failure of the courts of such jurisdictions to give full faith and credit to the judicial proceedings of the other jurisdictions, the deprivation of rights of liberty and property without due process of law, burdens on commerce among such jurisdictions and with foreign nations, and harm to the welfare of children and their parents and other custodians.

National system of locating parents and children, establishment.

(b) For those reasons it is necessary to establish a national system for locating parents and children who travel from one such jurisdiction to another and are concealed in connection with such disputes, and to establish national standards under which the courts of such jurisdictions will determine their jurisdiction to decide such disputes and the effect to be given by each such jurisdiction to such decisions by the courts of other such jurisdictions.

(c) The general purposes of sections 6 to 10 of this Act are to—

(1) promote cooperation between State courts to the end that a determination of custody and visitation is rendered in the State which can best decide the case in the interest of the child;

(2) promote and expand the exchange of information and other forms of mutual assistance between States which are concerned with the same child;

(3) facilitate the enforcement of custody and visitation decrees of sister States;

(4) discourage continuing interstate controversies over child custody in the interest of greater stability of home environment and of secure family relationships for the child;

(5) avoid jurisdictional competition and conflict between State courts in matters of child custody and visitation which have in the past resulted in the shifting of children from State to State with harmful effects on their well-being; and

(6) deter interstate abductions and other unilateral removals of children undertaken to obtain custody and visitation awards.

FULL FAITH AND CREDIT GIVEN TO CHILD CUSTODY DETERMINATIONS

SEC. 8. (a) Chapter 115 of title 28, United States Code, is amended by adding immediately after section 1738 the following new section:

28 USC 1738A.

"§1738A. Full faith and credit given to child custody determinations

"(a) The appropriate authorities of every State shall enforce according to its terms, and shall not modify except as provided in subsection (f) of this section, any child custody determination made consistently with the provisions of this section by a court of another State.

Definitions.

"(b) As used in this section, the term—

"(1) 'child' means a person under the age of eighteen;

"(2) 'contestant' means a person, including a parent, who claims a right to custody or visitation of a child;

"(3) 'custody determination' means a judgment, decree, or other order of a court providing for the custody or visitation of a child, and includes permanent and temporary orders, and initial orders and modifications;

"(4) 'home State' means the State in which, immediately preceding the time involved, the child lived with his parents, a parent, or a person acting as parent, for at least six consecutive months, and in the case of a child less than six months old, the State in which the child lived from birth with any of such persons. Periods of temporary absence of any of such persons are counted as part of the six-month or other period;

"(5) 'modification' and 'modify' refer to a custody determination which modifies, replaces, supersedes, or otherwise is made subsequent to, a prior custody determination concerning the same child, whether made by the same court or not;

"(6) 'person acting as a parent' means a person, other than a parent, who has physical custody of a child and who has either been awarded custody by a court or claims a right to custody;

"(7) 'physical custody' means actual possession and control of a child; and

"(8) 'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States.

"(c) A child custody determination made by a court of a State is consistent with the provisions of this section only if—

"(1) such court has jurisdiction under the law of such State; and

"(2) one of the following conditions is met:

"(A) such State (i) is the home State of the child on the date of the commencement of the proceeding, or (ii) had been the child's home State within six months before the date of the commencement of the proceeding and the child is absent from such State because of his removal or retention by a contestant or for other reasons, and a contestant continues to live in such State;

"(B)(i) it appears that no other State would have jurisdiction under subparagraph (A), and (ii) it is in the best interest of the child that a court of such State assume jurisdiction because (I) the child and his parents, or the child and at least one contestant, have a significant connection with such State other than mere physical presence in such State, and (II) there is available in such State substantial evidence concerning the child's present or future care, protection, training, and personal relationships;

"(C) the child is physically present in such State and (i) the child has been abandoned, or (ii) it is necessary in an emergency to protect the child because he has been subjected to or threatened with mistreatment or abuse;

"(D)(i) it appears that no other State would have jurisdiction under subparagraph (A), (B), (C), or (E), or another State has declined to exercise jurisdiction on the ground that the State whose jurisdiction is in issue is the more appropriate forum to determine the custody of the child, and (ii) it is in the best interest of the child that such court assume jurisdiction; or

"(E) the court has continuing jurisdiction pursuant to subsection (d) of this section.

"(d) The jurisdiction of a court of a State which has made a child custody determination consistently with the provisions of this section continues as long as the requirement of subsection (c)(1) of this section continues to be met and such State remains the residence of the child or of any contestant.

"(e) Before a child custody determination is made, reasonable notice and opportunity to be heard shall be given to the contestants, any parent whose parental rights have not been previously terminated and any person who has physical custody of a child.

"(f) A court of a State may modify a determination of the custody of the same child made by a court of another State, if—

"(1) it has jurisdiction to make such a child custody determination; and

"(2) the court of the other State no longer has jurisdiction, or it has declined to exercise such jurisdiction to modify such determination.

"(g) A court of a State shall not exercise jurisdiction in any proceeding for a custody determination commenced during the pendency of a proceeding in a court of another State where such court of that other State is exercising jurisdiction consistently with the provisions of this section to make a custody determination.".

(b) The table of sections at the beginning of chapter 115 of title 28, United States Code, is amended by inserting after the item relating to section 1738 the following new item:

"1738A. Full faith and credit given to child custody determinations.".

28 USC 1738A note. *Ante*, p. 3569.

(c) In furtherance of the purposes of section 1738A of title 28, United States Code, as added by subsection (a) of this section, State courts are encouraged to—

(1) afford priority to proceedings for custody determinations; and

Ante, p. 3569.

(2) award to the person entitled to custody or visitation pursuant to a custody determination which is consistent with the provisions of such section 1738A, necessary travel expenses, attorneys' fees, costs of private investigations, witness fees or expenses, and other expenses incurred in connection with such custody determination in any case in which—

(A) a contestant has, without the consent of the person entitled to custody or visitation pursuant to a custody determination which is consistent with the provisions of such section 1738A, (i) wrongfully removed the child from the physical custody of such person, or (ii) wrongfully retained the child after a visit or other temporary relinquishment of physical custody; or

(B) the court determines it is appropriate.

USE OF FEDERAL PARENT LOCATOR SERVICE IN CONNECTION WITH THE ENFORCEMENT OR DETERMINATION OF CHILD CUSTODY AND IN CASES OF PARENTAL KIDNAPING OF A CHILD

42 USC 654.

SEC. 9. (a) Section 454 of the Social Security Act is amended—

(1) by striking out "and" at the end of paragraph (15);

(2) by striking out the period at the end of paragraph (16) and inserting in lieu thereof "; and"; and

(3) by inserting after paragraph (16) the following new paragraph:

Post, p. 3572. 42 USC 653.

"(17) in the case of a State which has in effect an agreement with the Secretary entered into pursuant to section 463 for the use of the Parent Locator Service established under section 453, to accept and transmit to the Secretary requests for information authorized under the provisions of the agreement to be furnished by such Service to authorized persons, and to impose and collect (in accordance with regulations of the Secretary) a fee sufficient to cover the costs to the State and to the Secretary incurred by reason of such requests, to transmit to the Secretary from time to time (in accordance with such regulations) so much of the fees collected as are attributable to such costs to the Secretary so incurred, and during the period that such agreement is in effect, otherwise to comply with such agreement and regulations of the Secretary with respect thereto.".

(b) Part D of title IV of the Social Security Act is amended by adding at the end thereof the following new section:

"USE OF FEDERAL PARENT LOCATOR SERVICE IN CONNECTION WITH THE ENFORCEMENT OR DETERMINATION OF CHILD CUSTODY AND IN CASES OF PARENTAL KIDNAPING OF A CHILD

42 USC 663.

"SEC. 463. (a) The Secretary shall enter into an agreement with any State which is able and willing to do so, under which the services of the Parent Locator Service established under section 453 shall be made available to such State for the purpose of determining the whereabouts of any absent parent or child when such information is to be used to locate such parent or child for the purpose of—

"(1) enforcing any State or Federal law with respect to the unlawful taking or restraint of a child; or

"(2) making or enforcing a child custody determination.

42 USC 654.

"(b) An agreement entered into under this section shall provide that the State agency described in section 454 will, under procedures prescribed by the Secretary in regulations, receive and transmit to the Secretary requests from authorized persons for information as to (or useful in determining) the whereabouts of any absent parent or child when such information is to be used to locate such parent or child for the purpose of—

"(1) enforcing any State or Federal law with respect to the unlawful taking or restraint of a child; or

"(2) making or enforcing a child custody determination.

42 USC 653.

"(c) Information authorized to be provided by the Secretary under this section shall be subject to the same conditions with respect to disclosure as information authorized to be provided under section 453, and a request for information by the Secretary under this section shall be considered to be a request for information under section 453 which is authorized to be provided under such section. Only information as to the most recent address and place of employment of any absent parent or child shall be provided under this section.

Definitions.

"(d) For purposes of this section—

"(1) the term 'custody determination' means a judgment, decree, or other order of a court providing for the custody or visitation of a child, and includes permanent and temporary orders, and initial orders and modification;

"(2) the term 'authorized person' means—

"(A) any agent or attorney of any State having an agreement under this section, who has the duty or authority under the law of such State to enforce a child custody determination;

"(B) any court having jurisdiction to make or enforce such a child custody determination, or any agent of such court; and

"(C) any agent or attorney of the United States, or of a State having an agreement under this section, who has the duty or authority to investigate, enforce, or bring a prosecution with respect to the unlawful taking or restraint of a child.".

(c) Section 455(a) of such Act is amended by adding after paragraph (3) the following: "except that no amount shall be paid to any State on account of amounts expended to carry out an agreement which it has entered into pursuant to section 463.". 42 USC 655. *Ante*, p. 3572.

(d) No agreement entered into under section 463 of the Social Security Act shall become effective before the date on which section 1738A of title 28, United States Code (as added by this title) becomes effective. Effective date. 42 USC 663 note. *Ante*, p. 3569.

PARENTAL KIDNAPING

SEC. 10. (a) In view of the findings of the Congress and the purposes of sections 6 to 10 of this Act set forth in section 302, the Congress hereby expressly declares its intent that section 1073 of title 18, United States Code, apply to cases involving parental kidnaping and interstate or international flight to avoid prosecution under applicable State felony statutes. 18 USC 1073 note.

(b) The Attorney General of the United States, not later than 120 days after the date of the enactment of this section (and once every 6 months during the 3-year period following such 120-day period), shall submit a report to the Congress with respect to steps taken to comply with the intent of the Congress set forth in subsection (a). Each such report shall include—

(1) data relating to the number of applications for complaints under section 1073 of title 18, United States Code, in cases involving parental kidnaping;

(2) data relating to the number of complaints issued in such cases; and

(3) such other information as may assist in describing the activities of the Department of Justice in conformance with such intent.

TECHNICAL AMENDMENTS AND AMENDMENTS RELATING TO CHILD SUPPORT AUDITS

SEC. 11. (a)(1) Section 127(a)(1) of the Food Stamp Act Amendments of 1980 (Public Law 96-249), is amended by striking out "Subsection (i) of section 6103" and inserting in lieu thereof "Subsection (l) of section 6103". *Ante*, p. 365.

(2)(A) Section 408(a)(1) of the Social Security Disability Amendments of 1980 (Public Law 96-265), is amended by striking out (in the new paragraph added thereby to subsection (l) of section 6103 of the Internal Revenue Code of 1954) "(7) Disclosure" and inserting in lieu thereof "(8) Disclosure". *Ante*, p. 468.

(B) Section 408(a)(2) of the Social Security Disability Amendments of 1980 is amended—

(i) in subparagraph (A), by—

(I) striking out "(l)(1) or (4)(B) or (5)" and inserting in lieu thereof "(l)(1), (4)(B), (5), or (7)", and

(II) striking out "(l)(1), (4)(B), (5), or (7)" and inserting in lieu thereof "(l)(1), (4)(B), (5), (7), or (8)";

(ii) in subparagraph (B), by—

(I) striking out "(l) (3) or (6)" and inserting in lieu thereof "(l) (3), (6), or (7)", and

(II) striking out "(l) (3), (6), or (7)" and inserting in lieu thereof "(l) (3), (6), (7), or (8)";

(iii) in subparagraph (C), by—

(I) striking out "(l)(6)" and inserting in lieu thereof "(l) (6) or (7)", and

(II) striking out "(l) (6) or (7)" and inserting in lieu thereof "(l) (6), (7), or (8)"; and

26 USC 7213.

(iv) in subparagraph (D), by—

(I) striking out "subsection (d), (l)(6) or (m)(4)(B)" and inserting in lieu thereof "subsection (d), (l) (6) or (7), or (m)(4)(B)", and

(II) striking out "subsection (d), (l) (6) or (7), or (m)(4)(B)" and inserting in lieu thereof "subsection (d), (l) (6), (7), or (8), or (m)(4)(B)".

Effective date. 26 USC 6103 note.

(3) The amendment made by paragraph (1) shall take effect on May 26, 1980 and the amendments made by paragraph (2) shall take effect on June 9, 1980.

26 USC 7213.

(4)(A) The first sentence of section 7213(a)(2) of the Internal Revenue Code of 1954 (relating to unauthorized disclosure of information by State and other employees) is amended by striking out "(l) (6) or (7)" and inserting in lieu thereof "(l) (6), (7), or (8)".

Effective date. 26 USC 7213 note.

(B) The amendment made by subparagraph (A) shall take effect on December 5, 1980.

Ante, p. 532.

(b)(1) Section 309 of the Adoption Assistance and Child Welfare Act of 1980 is amended by striking out "fiscal year 1977 or fiscal year 1978 shall be made prior to October 1, 1980" and inserting in lieu thereof "any of the fiscal years 1977 through 1980 shall be made prior to October 1, 1981".

42 USC 651.

(2) The regulations pertaining to audit criteria (as set forth in 45 CFR 305.20) and the regulations pertaining to penalty for failure to have an effective child support enforcement program (as set forth in 45 CFR 305.50), under the child support program established by title IV-D of the Social Security Act, as in effect on the date of enactment of this Act, shall remain in effect until October 1, 1981.

42 USC 655.

(c) Section 455(a) of the Social Security Act is amended by striking out the semicolon at the end thereof and inserting in lieu thereof a period.

Approved December 28, 1980.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 126 (1980):
Dec. 5, considered and passed House.
Dec. 13, considered and passed Senate, amended; House agreed to Senate amendments.

Public Law 96-612
96th Congress

An Act

To provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes.

Dec. 28, 1980
[S. 2261]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes", approved November 5, 1966 (80 Stat. 1309), as amended (16 U.S.C. 460u), is further amended as follows:

Indiana Dunes National Lakeshore, amendment.

(1) A new section is added at the end thereof to read as follows:

"Sec. 20. (a) The Indiana Dunes National Lakeshore is hereby dedicated to the memory of Paul H. Douglas in grateful recognition of his leadership in the effort to protect, preserve, and enhance the natural, scientific, historic, and recreational value of the lakeshore for the use, enjoyment, and edification of present and future generations.

Paul H. Douglas, dedication.
16 USC 460u-20.

"(b) To further accomplish the purposes of subsection (a) of this section, the Secretary of the Interior shall designate the west unit of the lakeshore as the 'Paul H. Douglas Ecological and Recreational Unit' and shall, subject to appropriations being granted, design and construct a suitable structure or designate an existing structure within the lakeshore to be known as the 'Paul H. Douglas Center for Environmental Education' which shall provide facilities designed primarily to familiarize students and other visitors with, among other things: (1) the natural history of the lakeshore and its association with the natural history of the Great Lakes region; (2) the evolution of human activities in the area; and (3) the historical features which led to the establishment of the lakeshore by the Congress of the United States.

"(c) To inform the public of the contributions of Paul H. Douglas to the creation of the lakeshore, the Secretary of the Interior shall provide such signs, markers, maps, interpretive materials, literature, and programs as he deems appropriate.".

(2) Section 1 of the Act is amended by changing "September 1976 and bearing the number 626-91007" to "December 1980, and bearing the number 626-91014".

16 USC 460u.

(3) Section 2(a) of the Act is amended by adding the following new sentence at the end thereof: "The Secretary is expressly authorized to acquire by donation, purchase with donated or appropriated funds, or exchange, lands or interests therein which are owned for school or educational purposes by a State or a political subdivision thereof.".

Land acquisition.
16 USC 460u-1.

(4) Section 2(b) of the Act is amended by changing the phrase "section 10" to "section 9".

(5) In the first sentence of section 4 of the Act, preceding the word "February" insert: "January 1, 1981 or, in the case of improved property located within the boundaries delineated on a map identified as 'Boundary Map, Indiana Dunes National

16 USC 460u-3.

Lakeshore', dated September 1976 and bearing the number 626-91007, before".

Use and occupancy rights. 16 USC 460u-5.

(6) The first sentence of section 5(a) of the Act is amended to read as follows: "Except for owners of improved property within the area on the map referred to in the first section of this Act as area II-B, any owner or owners of record of improved property may retain a right of use and occupancy of said improved property for noncommercial residential purposes for a term (1) ending on his or her death or the death of his or her spouse, whichever occurs last, or (2) for a fixed term not to extend beyond September 30, 2010, or such lesser term as the owner or owners may elect at the time of acquisition by the Secretary: *Provided,* That the retention of a retained right under clause numbered (1) shall only be available to homeowners of record as of October 1, 1980, who have attained the age of majority as of that date and make a bona fide written offer not later than October 1, 1985, to sell to the Secretary.".

(7) Section 5 of the Act is amended by adding a new subsection (c) as follows:

Use and occupancy rights, extension.

"(c) With respect to improved properties acquired prior to the enactment of this subsection and upon which a valid existing right of use and occupancy has been reserved for a term of not more than twenty years, the Secretary may, in his discretion, extend the term of such retained right for a period of not more than nine years upon receipt of payment prior to September 30, 1983, from the holder of the retained right. The amount of such payment shall be equivalent to the amount discounted from the purchase price paid by the Secretary for the identical period of time under the terms of the original sale adjusted by a general index adopted by the Secretary reflecting overall value trends within Indiana Dunes National Lakeshore between the time of the original sale and the time of the retained right of extension offered by this subsection.".

16 USC 460u-7.

(8) Section 7(a) of the Act is amended by changing "ten years after the date of establishment of the national lakeshore pursuant to this Act" to "on September 30, 1985".

(9) Section 7(b) of the Act is amended as follows:

(A) by striking out "eleven members" and inserting in lieu thereof "thirteen members";

(B) by striking out "one member who is a year-round resident" in clause (4) and inserting in lieu thereof "two members who are year-round residents"; and

(C) by striking out "one member who is a year-round resident" in clause (7) and inserting in lieu thereof "two members who are year-round residents".

Appropriation authorization. 16 USC 460u-9.

(10) Section 9 of the Act is amended as follows:

(A) in the first sentence, change "$9,440,000 for development" to "$11,000,000 for development: *Provided,* That not more than $500,000 of said amount may be appropriated for the development of the Paul H. Douglas Environmental Education Center authorized pursuant to section 20 of this Act."; and

Ante, p. 3575.

(B) at the end thereof, add a new paragraph as follows: "In addition to any sums heretofore authorized for the acquisition of lands and interests in lands pursuant to the provisions of this Act, there are further authorized to be appropriated an additional $3,120,000.".

(11) A new section 21 is added to the Act as follows:

Public access, study. 16 USC 460u-21.

"Sec. 21. (a) The Secretary in consultation with the Secretary of Transportation, shall conduct a study of various modes of public access into and within the lakeshore which are consistent with the preservation of the lakeshore and conservation of energy by encouraging the use of transportation modes other than personal motor vehicles.

Clearinghouse resources and facilities.

42 USC 4231.

"(b) In carrying out the study, the Secretary shall utilize to the greatest extent practicable the resources and facilities of the organizations designated as clearinghouses under title IV of the Intergovernmental Cooperation Act of 1968 as implemented by Office of Management and Budget Circular A-95, and which have comprehensive planning responsibilities in the regions where the lakeshore is located, as well as any other agencies or organizations which the Secretary may designate. The Secretary shall make provision for timely and substantive consultations with the appropriate agencies of the States of Indiana and Illinois, local elected officials, and the general public in the formulation and implementation of the study.

"(c) The study shall address the adequacy of access facilities for members of the public who desire to visit and enjoy the lakeshore. Consideration shall be given to alternatives for alleviating the dependence on automobile transportation. The study of public transportation facilities shall cover the distance from cities of thirty-five thousand population or more within fifty miles of the lakeshore.

"(d) The study shall include proposals deemed necessary to assure equitable visitor access and public enjoyment by all segments of the population, including those who are physically or economically disadvantaged. It shall provide for retention of the natural, scenic, and historic values for which the lakeshore was established, and shall propose plans and alternatives for the protection and maintenance of these values as they relate to transportation improvements.

"(e) The study shall examine proposals for the renovation and preservation of a portion of the existing South Shore Railroad passenger car fleet. The study shall consider the historic value of the existing rolling stock and its role in transporting visitors into and within the lakeshore.

"(f) The study shall present alternative plans to improve, construct, and extend access roads, public transportation, and bicycle and pedestrian trails. It shall include cost estimates of all plans considered in this study, and shall discuss existing and proposed sources of funding for the implementation of the recommended plan alternatives.

Submittal to Congress.

"(g) The study shall be completed and presented to the Congress within two complete fiscal years from the effective date of this provision.

Appropriation authorization.

"(h) Effective October 1, 1981, there is hereby authorized to be appropriated not to exceed $200,000 for this study.".

(12) A new section 22 is added to the Act as follows:

Land acquisition, owner's hardship. 16 USC 460u-22.

"Sec. 22. In exercising his authority to acquire property under this Act, the Secretary shall give prompt and careful consideration to any offer made by an individual owning property within the lakeshore to sell such property, if such individual notifies the Secretary in writing that the continued ownership of such property is causing, or would result in, undue hardship.".

(13) A new section 23 is added to the Act as follows:

Public access. 16 USC 460u-23.

"Sec. 23. (a) The Secretary may acquire only such interest in that portion of area VII-A which is described in subsection (b) as the Secretary determines is necessary to assure public access over said portion of area VII-A.

"(b) The portion of area VII-A, as designated on the map referred to in section 1, to which subsection (a) applies is a parcel of land bounded—

"(1) on the east by a line three hundred feet east of the electrical transmission line crossing area VII-A on January 1, 1979;

"(2) on the west by a line fifty feet west of such electrical transmission line; and

"(3) on the north and south by the northern and southern boundaries, respectively, of area VII-A.

"(c) Area VII-A includes the bed of the railroad tracks forming the northern and northwestern boundaries of this area and extends to the northern edge of the bed of the railroad tracks forming the southern boundaries of this area.

"(d) Area I-D includes the bed of the railroad tracks along the northern boundary of this area.

"(e) The area designated as area VII-C on the map referred to in section 1 does not include approximately 1.3 acres of land on which the Linde Air Products plant is situated, nor does it include approximately 1 acre of land on which the Old Union Station building and the adjacent REA building are situated. Except as provided in the foregoing sentence, area VII-C extends to, but does not include, the beds of the railroad tracks forming the northern and southern boundaries of such area.".

Effective date.
16 USC 460u note.

SEC. 2. Authorizations of moneys to be appropriated under this Act shall be effective on October 1, 1981. Notwithstanding any other provision of this Act, authority to enter into contracts, to incur obligations, or to make payments under this Act shall be effective only to the extent, and in such amounts, as are provided in advance in appropriation Acts.

Approved December 28, 1980.

LEGISLATIVE HISTORY:

SENATE REPORT No. 96-1005 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 126 (1980):
Sept. 30, considered and passed Senate.
Dec. 11, considered and passed House, amended.
Dec. 12, Senate agreed to House amendments.

Public Law 96-613
96th Congress

An Act

To make certain miscellaneous changes in the tax laws.

Dec. 28, 1980
[H.R. 7171]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Tax laws, miscellaneous changes.

SECTION 1. ANNUITY CONTRACTS PURCHASED BY THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

(a) IN GENERAL.—An annuity contract purchased by the Uniformed Services University of the Health Sciences for any employee who is a member of the civilian faculty or staff of such university shall, for purposes of section 403(b) of the Internal Revenue Code of 1954, be treated as an annuity contract purchased for an employee by an employer described in section 501(c)(3) of such Code which is exempt from tax under section 501(a) of such Code.

26 USC 403.
26 USC 501.

(b) EFFECTIVE DATE.—Subsection (a) shall apply to service after December 31, 1979, in taxable years ending after such date.

SEC. 2. RETIREMENT-REPLACEMENT-BETTERMENT METHOD OF DEPRECIATION.

(a) IN GENERAL.—Section 167 of the Internal Revenue Code of 1954 (relating to allowance for depreciation) is amended by redesignating subsection (r) as subsection (s) and by inserting after subsection (q) the following new subsection:

26 USC 167.

"(r) RETIREMENT-REPLACEMENT-BETTERMENT METHOD.—In the case of railroad track used by a common carrier by railroad (including a railroad switching company or a terminal company), the term 'reasonable allowance' as used in subsection (a) includes an allowance for such tract computed under the retirement-replacement-betterment method.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to taxable years ending after December 31, 1953.

26 USC 167 note.

SEC. 3. TREATMENT OF CERTAIN RAILROAD STOCK FOR PURPOSES OF CONSOLIDATED RETURN REGULATIONS.

(a) IN GENERAL.—For purposes of the consolidated return regulations prescribed under section 1502 of the Internal Revenue Code of 1954, if the determination of whether or not there has been a deemed disposition of stock in a transferor railroad (as defined in section 374(c)(5)(B) of such Code) depends on a determination of final value by the special court under the Regional Rail Reorganization Act of 1973, that deemed disposition shall not be treated as occurring before the earlier of—

26 USC 1502.
26 USC 374.
45 USC 701 note.

(1) the date on which such determination becomes final, or

(2) the first date on which there is an actual disposition of the stock or a deemed disposition not described above.

(b) EFFECTIVE DATE.—Subsection (a) shall apply to taxable years ending after March 31, 1976.

26 USC 374 note.

SEC. 4. RESTORATION OF CERTAIN NET OPERATING LOSS CARRYOVERS TO RAILROADS IN CONRAIL PROCEEDINGS WHERE OTHER MEMBERS OF CONSOLIDATED GROUP HAD INCOME BECAUSE OF STOCK DISPOSITION.

26 USC 374.

(a) In General.—For purposes of subsection (e) of section 374 of the Internal Revenue Code of 1954 (relating to use of expired net operating loss carryovers to offset income arising from certain railroad reorganization proceedings), if—

(1) subparagraphs (A) and (B) of paragraph (1) of such subsection are satisfied with respect to a corporation,

(2) such corporation had a net operating loss for a taxable year which would have satisfied the requirements of clause (i) of subparagraph (C) of such paragraph (1) but for the fact that such net operating loss was used to reduce the income of an affiliated group of corporations which filed a consolidated return, and

(3) any portion of the amount so used was included in an excess loss account which was required to be restored to the income of a member or members of the affiliated group (or would be required to be so restored but for an election under Regulation § 1.1502-19(a)(6)),

26 CFR 1.1502-19.

then an amount equal to the restoration amount shall be treated as meeting the requirements of subparagraph (C) of such paragraph (1).

(b) Restoration Amount Defined.—

(1) In general.—For purposes of subsection (a), the term "restoration amount" means, with respect to the net operating loss for any taxable year, an amount equal to the sum of—

(A) so much of the portion referred to in subsection (a)(3) as was required to be treated as ordinary income, and

(B) an amount equal to so much of such portion as was required to be treated as long-term capital gain, multiplied by the capital gain conversion fraction.

(2) Capital gain conversion fraction.—For purposes of paragraph (1), the capital gain conversion fraction is a fraction—

(A) the numerator of which is the rate of tax set forth in section 1201(a)(2) of such Code for the taxable year the portion was required to be included in income, and

26 USC 1201.

(B) the denominator of which is the highest rate of tax set forth in section 11(b) of such Code for such taxable year.

26 USC 11.

(3) FIFO rule for additions to excess loss account.—For purposes of this subsection, the amount in any excess loss account at the time of restoration (and the ordinary income portion of the restoration) shall be treated as attributable to net operating losses in the order of the years in which the respective net operating losses arose.

(4) Capital gain treatment.—For purposes of paragraph (1), any amount to which an election under Regulation § 1.1502-19(a)(6) applies shall be treated as long-term capital gain.

26 CFR 1.1502-19.

(c) Effective Date.—This section shall apply to restorations occurring after March 31, 1976.

SEC. 5. PREVENTION OF ABUSE OF CERTAIN PENSION PLAN PROVISIONS THROUGH THE USE OF SEPARATE CORPORATIONS OR OTHER ORGANIZATIONS.

26 USC 414.

(a) In General.—Section 414 (relating to definitions and special rules relating to pension plan, etc.) is amended by adding at the end thereof the following new subsection:

"(m) Employees of an Affiliated Service Group.—

"(1) IN GENERAL.—For purposes of the employee benefit requirements listed in paragraph (4), except to the extent otherwise provided in regulations, all employees of the members of an affiliated service group shall be treated as employed by a single employer.

"(2) AFFILIATED SERVICE GROUP.—For purposes of this subsection, the term 'affiliated service group' means a group consisting of a service organization (hereinafter in this paragraph referred to as the 'first organization') and one or more of the following:

"(A) any service organization which—

"(i) is a shareholder or partner in the first organization, and

"(ii) regularly performs services for the first organization or is regularly associated with the first organization in performing services for third persons, and

"(B) any other organization if—

"(i) a significant portion of the business of such organization is the performance of services (for the first organization, for organizations described in subparagraph (A), or for both) of a type historically performed in such service field by employees, and

"(ii) 10 percent or more of the interests in such organization is held by persons who are officers, highly compensated employees, or owners of the first organization or an organization described in subparagraph (A).

"(3) SERVICE ORGANIZATIONS.—For purposes of this subsection, the term 'service organization' means an organization the principal business of which is the performance of services.

"(4) EMPLOYEE BENEFIT REQUIREMENTS.—For purposes of this subsection, the employee benefit requirements listed in this paragraph are—

"(A) paragraphs (3), (4), (7), and (16) of section 401(a). 26 USC 401.

"(B) sections 408(k), 410, 411, and 415, 26 USC 408, 410, 411, 415.

"(C) section 105(h), and 26 USC 105.

"(D) section 125. 26 USC 125.

"(5) OTHER DEFINITIONS.—For purposes of this subsection—

"(A) ORGANIZATION DEFINED.—The term 'organization' means a corporation, partnership, or other organization.

"(B) OWNERSHIP.—In determining ownership, the principles of section 267(c) shall apply. 26 USC 267.

"(6) PREVENTION OF AVOIDANCE.—The Secretary shall prescribe such regulations as may be necessary to prevent the avoidance with respect to service organizations, through the use of separate organizations, of any employee benefit requirement listed in paragraph (4)." Regulations.

(b) TECHNICAL AMENDMENTS.—

(1) Paragraph (8) of section 105(h) (relating to amount paid to highly compensated individuals under a discriminatory self-insured medical expense reimbursement plan) is amended— 26 USC 105.

(A) by striking out "subsection (b) or (c) of section 414" and inserting in lieu thereof "subsection (b), (c), or (m) of section 414", and

(B) by striking out "CONTROLLED GROUPS" in the paragraph heading and inserting in lieu thereof "CONTROLLED GROUPS, ETC.".

(2) Paragraph (4) of section 125(g) (relating to special rules for cafeteria plans) is amended— 26 USC 125.

(A) by striking out "subsection (b) or (c) of section 414" and inserting in lieu thereof "subsection (b), (c), or (m) of section 414", and

(B) by striking out "CONTROLLED GROUPS" in the paragraph heading and inserting in lieu thereof "CONTROLLED GROUPS, ETC.".

26 USC 414 note.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to plan years ending after November 30, 1980.

(2) PLANS IN EXISTENCE ON NOVEMBER 30, 1980.—In the case of a plan in existence on November 30, 1980, the amendments made by this section shall apply to plan years beginning after November 30, 1980.

Approved December 28, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-1050 (Comm. on Ways and Means).
SENATE REPORT No. 96-1032 (Comm. on Finance).
CONGRESSIONAL RECORD, Vol. 126 (1980):
  June 17, considered and passed House.
  Dec. 13, considered and passed Senate, amended; House agreed to certain Senate amendments, to others with amendments, and disagreed to Senate amendment No. 9; Senate receded from its amendment No. 9 and agreed to House amendments.

REORGANIZATION PLAN

REORGANIZATION PLAN NO. 1 OF 1980

Prepared by the President and submitted to the Senate and the House of Representatives in Congress assembled March 27, 1980,[1] pursuant to the provisions of Chapter 9 of Title 5 of the United States Code.

Nuclear Regulatory Commission

5 USC app.;
42 USC 5841
note.

Section 1. (a) Those functions of the Nuclear Regulatory Commission, hereinafter referred to as the "Commission", concerned with:

(1) policy formulation;

(2) rulemaking, as defined in section 553 of Title 5 of the United States Code, except that those matters set forth in 553(a)(2) and (b) which do not pertain to policy formulation orders or adjudications shall be reserved to the Chairman of the Commission;

(3) orders and adjudications, as defined in section 551 (6) and (7) of Title 5 of the United States Code;

shall remain vested in the Commission. The Commission may determine by majority vote, in an area of doubt, whether any matter, action, question or area of inquiry pertains to one of these functions. The performance of any portion of these functions may be delegated by the Commission to a member of the Commission, including the Chairman of the Nuclear Regulatory Commission, hereinafter referred to as the "Chairman", and to the staff through the Chairman.

(b)(1) With respect to the following officers or successor officers duly established by statute or by the Commission, the Chairman shall initiate the appointment, subject to the approval of the Commission; and the Chairman or a member of the Commission may initiate an action for removal, subject to the approval of the Commission:

(i) Executive Director for Operations,

(ii) General Counsel,

(iii) Secretary of the Commission,

(iv) Director of the Office of Policy Evaluation,

(v) Director of the Office of Inspector and Auditor,

(vi) Chairman, Vice Chairman, Executive Secretary, and Members of the Atomic Safety and Licensing Board Panel,

(vii) Chairman, Vice Chairman and Members of the Atomic Safety and Licensing Appeal Panel.

(2) With respect to the following officers or successor officers duly established by statute or by the Commission, the Chairman, after consultation with the Executive Director for Operations, shall initiate the appointment, subject to the approval of the Commission, and the Chairman, or a member of the Commission may initiate an action for removal, subject to the approval of the Commission:

(i) Director of Nuclear Reactor Regulation,

(ii) Director of Nuclear Material Safety and Safeguards,

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[1] As amended May 5, 1980.

(iii) Director of Nuclear Regulatory Research,

(iv) Director of Inspection and Enforcement,

(v) Director of Standards Development.

(3) The Chairman or a member of the Commission shall initiate the appointment of the Members of the Advisory Committee on Reactor Safeguards, subject to the approval of the Commission. The provisions for appointment of the Chairman of the Advisory Committee on Reactor Safeguards and the term of the members shall not be affected by the provisions of this Reorganization Plan.

(4) The Commission shall delegate the function of appointing, removing and supervising the staff of the following offices or successor offices to the respective heads of such offices: General Counsel, Secretary of the Commission, Office of Policy Evaluation, Office of Inspector and Auditor. The Commission shall delegate the functions of appointing, removing and supervising the staff of the following panels and committee to the respective Chairmen thereof: Atomic Safety and Licensing Board Panel, Atomic Safety and Licensing Appeal Panel and Advisory Committee on Reactor Safeguards.

(c) Each member of the Commission shall continue to appoint, remove and supervise the personnel employed in his or her immediate office.

(d) The Commission shall act as provided by subsection 201(a)(1) of the Energy Reorganization Act of 1974, as amended (42 U.S.C. 5841(a)(1)) in the performance of its functions as described in subsections (a) and (b) of this section.

Section 2. (a) All other functions of the Commission, not specified by Section 1 of this Reorganization Plan, are hereby transferred to the Chairman. The Chairman shall be the official spokesman for the Commission, and shall appoint, supervise, and remove, without further action by the Commission, the Directors and staff of the Office of Public Affairs and the Office of Congressional Relations. The Chairman may consult with the Commission as he deems appropriate in exercising this appointment function.

(b) The Chairman shall also be the principal executive officer of the Commission, and shall be responsible to the Commission for developing policy planning and guidance for consideration by the Commission; shall be responsible to the Commission for assuring that the Executive Director for Operations and the staff of the Commission (other than the officers and staff referred to in sections (1)(b)(4), (1)(c) and (2)(a) of this Reorganization Plan) are responsive to the requirements of the Commission in the performance of its functions; shall determine the use and expenditure of funds of the Commission, in accordance with the distribution of appropriated funds according to major programs and purposes approved by the Commission; shall present to the Commission for its consideration the proposals and estimates set forth in subsection (3) of this paragraph; and shall be responsible for the following functions, which he shall delegate, subject to his direction and supervision, to the Executive Director for Operations unless otherwise provided by this Reorganization Plan:

(1) administrative functions of the Commission;

(2) distribution of business among such personnel and among administrative units and offices of the Commission;

(3) preparation of

(i) proposals for the reorganization of the major offices within the Commission;

(ii) the budget estimate for the Commission; and

(iii) the proposed distribution of appropriated funds according to major programs and purposes.

(4) appointing and removing without any further action by the Commission, all officers and employees under the Commission other than those whose appointment and removal are specifically provided for by subsections 1 (b), (c) and 2(a) of this Reorganization Plan.

(c) The Chairman as principal executive officer and the Executive Director for Operations shall be governed by the general policies of the Commission and by such regulatory decisions, findings, and determinations, including those for reorganization proposals, budget revisions and distribution of appropriated funds, as the Commission may by law, including this Plan, be authorized to make. The Chairman and the Executive Director for Operations, through the Chairman, shall be responsible for insuring that the Commission is fully and currently informed about matters within its functions.

Section 3. (a) Notwithstanding sections 1 and 2 of this Reorganization Plan, there are hereby transferred to the Chairman all the functions vested in the Commission pertaining to an emergency concerning a particular facility or materials licensed or regulated by the Commission, including the functions of declaring, responding, issuing orders, determining specific policies, advising the civil authorities and the public, directing, and coordinating actions relative to such emergency incident.

(b) The Chairman may delegate the authority to perform such emergency functions, in whole or in part, to any of the other members of the Commission. Such authority may also be delegated or redelegated, in whole or in part, to the staff of the Commission.

(c) In acting under this section, the Chairman, or other member of the Commission delegated authority under subsection (b), shall conform to the policy guidelines of the Commission. To the maximum extent possible under the emergency conditions, the Chairman or other member of the Commission delegated authority under subsection (b), shall inform the Commission of actions taken relative to the emergency.

(d) Following the conclusion of the emergency, the Chairman, or the member of the Commission delegated the emergency functions under subsection (b), shall render a complete and timely report to the Commission on the actions taken during the emergency.

Section 4. (a) The Chairman may make such delegations and provide for such reporting as the Chairman deems necessary, subject to provisions of law and this Reorganization Plan. Any officer or employee under the Commission may communicate directly to the Commission, or to any member of the Commission, whenever in the view of such officer or employee a critical problem or public health and safety or common defense and security is not being properly addressed.

(b) The Executive Director for Operations shall report for all matters to the Chairman.

(c) The function of the Directors of Nuclear Reactor Regulations, Nuclear Material Safety and Safeguards, and Nuclear Regulatory Research of reporting directly to the Commission is hereby transferred so that such officers report to the Executive Director for Operations. The function of receiving such reports is hereby transferred from the Commission to the Executive Director for Operations.

(d) The heads of the Commission level offices or successor offices, of General Counsel, Secretary to the Commission, Office of Policy Evaluation, Office of Inspector and Auditor, the Atomic Safety and Licensing Board Panel and Appeal Panel, and Advisory Committee on Reactor Safeguards shall continue to report directly to the Commission and the Commission shall continue to receive such reports.

The requirements under 5 USC 906 were met on June 12, 1980.

Section 5. The provisions of this Reorganization Plan shall take effect October 1, 1980, or at such earlier time or times as the President shall specify, but no sooner than the earliest time allowable under Section 906 of Title 5 of the United States Code.

LEGISLATIVE HISTORY:

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS:
Vol. 16, No. 13: Mar. 31, Presidential message transmitting Reorganization Plan No. 1 of 1980 to Congress.
Vol. 16, No. 19: May 12, Presidential message transmitting amendments to Reorganization Plan No. 1 of 1980. (Also printed as House Document No. 96-307.)
HOUSE REPORT No. 96-1043 (Comm. on Government Operations).
SENATE REPORT No. 96-790 (Comm. on Governmental Affairs).
CONGRESSIONAL RECORD, Vol. 126 (1980):
Mar. 27, H. Res. 624, resolution of disapproval, introduced in House and referred to Committee on Government Operations.
Mar. 28, S. Res. 397, resolution of disapproval, introduced in Senate and referred to Committee on Governmental Operations.
May 30, H. Res. 624, rejected by House.

PRIVATE LAWS

SECOND SESSION, NINETY-SIXTH CONGRESS

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Private Law 96-44
96th Congress

An Act

For the relief of Rocio Edmondson.

Mar. 3, 1980
[S. 214]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Rocio Edmondson shall be held and considered to be a returning resident alien as defined in section 101(a)(27)(A) of that Act, as of the date of the enactment of this Act.

Rocio Edmondson.
8 USC 1101.

Approved March 3, 1980.

Private Law 96-45
96th Congress

An Act

For the relief of Maria Corazon Samtoy.

Mar. 6, 1980
[H.R. 948]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Maria Corazon Samtoy may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Doctor and Mrs. Henry Samtoy, citizens of the United States, pursuant to section 204 of the Act: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Maria Corazon Samtoy.
8 USC 1101 note.
8 USC 1101.
8 USC 1154.

Approved March 6, 1980.

Private Law 96-46
96th Congress

An Act

For the relief of Pedro Gauyan Nelson.

Mar. 6, 1980
[H.R. 3139]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Pedro Gauyan Nelson may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in his behalf by Mr. and Mrs. James R. Nelson, citizens of the United States, pursuant to section 204 of the Act: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Pedro Gauyan Nelson.
8 USC 1101 note.
8 USC 1101.
8 USC 1154.

Approved March 6, 1980.

Private Law 96-47
96th Congress

An Act

Mar. 6, 1980
[H.R. 3873]

For the relief of Jan Kutina.

Jan Kutina.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the periods of time Jan Kutina has resided in the United States and any State or the District of Columbia since his lawful admission for permanent residence on September 17, 1976, shall be held and considered to meet the residence and physical presence requirements of section 316 of the Immigration and Nationality Act.

8 USC 1427.

Approved March 6, 1980.

Private Law 96-48
96th Congress

An Act

Mar. 11, 1980
[H.R. 891]

For the relief of Barbara Laws Smith.

Barbara Laws Smith.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Barbara Laws Smith shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper official to deduct one number from the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, from the total number of such visas and entries which are made available to such natives under section 202(e) of such Act.

8 USC 1153.
8 USC 1152.

Approved March 11, 1980.

Private Law 96-49
96th Congress

An Act

Mar. 11, 1980
[H.R. 1559]

For the relief of Nelia Ruiz Hedlund.

Nelia Ruiz Hedlund.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Nelia Ruiz Hedlund may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Mr. and Mrs. James D. Hedlund, citizens of the United States, pursuant to section 204 of the Act: *Provided,* That the natural parents or brothers

8 USC 1101.
8 USC 1154.

or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Approved March 11, 1980.

Private Law 96-50
96th Congress

An Act

For the relief of Loraine Smart and Robert Clarke.

Mar. 17, 1980
[H.R. 1829]

Loraine Smart and Robert Clarke.

***Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, for the purposes of the Immigration and Nationality Act, Loraine Smart and Robert Clarke shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct two numbers from the total number of immigrant visas and conditional entries which are made available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act or, if applicable, from the total number of such visas and entries which are made available to such natives under section 202(e) of such Act.**

8 USC 1153.

8 USC 1152.

Approved March 17, 1980.

Private Law 96-51
96th Congress

An Act

For the relief of John H. R. Berg.

Mar. 28, 1980
[H.R. 2782]

John H. R. Berg.

***Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That John H. R. Berg shall be held and considered to have satisfied the requirements of section 316 of the Immigration and Nationality Act (8 U.S.C. 1427) relating to required periods of residence and physical presence within the United States and, notwithstanding the provisions of section 310(d) of that Act (8 U.S.C. 1421(d)), may be naturalized at any time after the date of enactment of this Act if otherwise eligible for naturalization under the Immigration and Nationality Act.**

Approved March 28, 1980.

Private Law 96-52
96th Congress

An Act

Mar. 28, 1980
[H.R. 4013]

For the relief of Jozef Swiderski.

Jozef Swiderski.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the periods of time Jozef Swiderski has resided in the United States and any State since his lawful admission for permanent residence on July 22, 1968, shall be held and considered to meet the residence and physical presence requirements of section 316 of the Immigration and Nationality Act, and his petition for naturalization may be filed in any court having naturalization jurisdiction under section 310 of such Act.

8 USC 1427.
8 USC 1421.

Approved March 28, 1980.

Private Law 96-53
96th Congress

An Act

Apr. 7, 1980
[H.R. 2318]

For the relief of Casimir Jan Kray.

Casimir Jan Kray.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Casimir Jan Kray, of Arlington, Virginia, the sum of $5,566. The payment of such sum shall be in full settlement of all his claims against the United States for services performed as a civil engineer with the United States Army during World War II, while on leave without right of salary from the Polish Army, in connection with repairs and reconstruction in the ports of Bremen and Bremerhaven.

Sec. 2. No amount in excess of 10 per centum of the sum appropriated by the first section of this Act shall be paid to or received by any agent or attorney in consideration for services rendered in connection with the claims described in the first section. Any violation of this section is a misdemeanor and any person convicted thereof shall be fined not more than $1,000.

Penalty.

Approved April 7, 1980.

Private Law 96-54
96th Congress

An Act

July 2, 1980
[H.R. 2475]

For the relief of Isaac David Cosson.

Isaac David Cosson.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury shall, from funds in the Treasury not otherwise appropriated, make monthly payments to Isaac David Cosson of Clermont, Florida, in amounts determined in accordance with section 2 of this Act. Such payments shall be in full satisfaction of any claim against the United States relating to the injuries suffered by Mr. Cosson as a result of the accidental bombing of the yard near his home by an aircraft of the United States Army on August 11, 1944.

SEC. 2. (a) Each monthly amount payable under this Act shall be equal to one-twelfth of $18,000, adjusted in accordance with subsection (b).

(b)(1) On or before February 28 of each year, the Secretary of the Treasury shall adjust the $18,000 amount referred to in section 2(a)(1), with respect to the twelve months beginning after such date, by the percent change, if any, which he determines to have occurred in the price index published for December of the previous year from the price index published for the month in which this Act is enacted.

(2) The monthly amount payable after adjustment under this section shall be rounded to the nearest dollar (rounding any amount which is $0.50 or higher to the next highest dollar), except that no adjustment shall be for less than $1.

SEC. 3. Amounts payable by this Act for any month shall be paid on or before the last day of such month. Such payments shall commence with payment for the second month which begins after the date of the enactment of this Act, and shall cease with respect to months beginning after the month in which the date of Mr. Cosson's death occurs.

"Price index."

SEC. 4. For the purposes of this Act "price index" means the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor.

SEC. 5. The provisions of this Act shall be effective notwithstanding any provision either in the Act of December 3, 1945 (59 Stat. 801), or in the Act of May 10, 1950 (64 Stat. A46).

Approved July 2, 1980.

Private Law 96-55
96th Congress

An Act

For the relief of Clarence S. Lyons.

July 2, 1980
[H.R. 3818]

Clarence S. Lyons.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Clarence S. Lyons, of Louisville, Kentucky, the sum of $36,858.00. The payment of such sum shall be in full settlement of all claims of the said Clarence S. Lyons against the United States arising out of the injury of his right eye which he sustained while working in the prison industries at the United States Public Health Hospital, Lexington, Kentucky, in March 1943. No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Violation, penalty.

Approved July 2, 1980.

Private Law 96-56
96th Congress

An Act

July 2, 1980
[H.R. 5156]

For the relief of certain employees of the Naval Ordnance Systems Command.

Naval Ordnance Systems Command. Certain employees, relief.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated—

(1) to Donald L. Francke of Bloomington, Indiana, the sum of $442.98;

(2) to J. Keith Crane of Bloomfield, Indiana, the sum of $677.84;

(3) to Alvin E. Gilmore of Bloomington, Indiana, the sum of $1,755.02;

(4) to Charles H. Horrell of Bedford, Indiana, the sum of $852.67; and

(5) to Allan Hamilton of Spencer, Indiana, the sum of $560.98,

in full settlement of their claims against the United States for premium pay due them for services rendered, during an emergency situation, upon orders given by the Naval Ordnance Systems Command. Such pay has been denied them pursuant to section 5547 of title 5 which currently limits aggregate biweekly pay without regard for emergency situations requiring extended services by specialized personnel.

Violation, penalty.

No part of the amount appropriated in this Act for the payment of any one claim in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with such claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved July 2, 1980.

Private Law 96-57
96th Congress

An Act

July 3, 1980
[H.R. 2148]

For the relief of Colonel (doctor) Paul A. Kelly.

Colonel Paul A. Kelly.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Sheila M. Jackson, SSN 529-76-6000, of Lehi, Utah, the sum of $30,000. The payment of such sum shall be in full satisfaction of all her claims, and those of her husband, Melvin D. Jackson, against the United States and Colonel (doctor) Paul A. Kelly, United States Air Force, of the United States Air Force Academy, Colorado, arising from the medical malpractice upon Sheila M. Jackson which is alleged to have occurred during the delivery of a child in June 1972 at Lakenheath Air Force Base in England. The payment authorized by this Act is conditioned upon the execution of a written release by Sheila M. Jackson and Melvin D.

Jackson which forever discharges Paul A. Kelly, his heirs, representatives, and assigns, and the United States, its officers, agents, and employees, from all liability, claims, and demands, of whatever nature, arising from the incident described in this Act.

SEC. 2. No amount in excess of 15 per centum of the sum appropriated by the first section of this Act shall be paid to or received by any agent or attorney in consideration for services rendered in connection with the claims described in the first section. Any violation of this section is a misdemeanor and any person convicted thereof shall be fined not more than $1,000.

Violation, penalty.

Approved July 3, 1980.

Private Law 96-58
96th Congress

An Act

For the relief of the Black Hills Area Council of the Boy Scouts of America.

Aug. 29, 1980
[S. 659]

Boy Scouts of America, Black Hills Area Council.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury shall pay, out of any money in the Treasury not otherwise appropriated, to the Black Hills Area Council of the Boy Scouts of America, the sum of $12,531 as reimbursement for expenses incurred by it in reconstructing that portion of the Black Hills National Forest road (known as Bobcat Road) which provides access to Medicine Mountain Boy Scout Camp, Hill City, South Dakota.

SEC. 2. No amount in excess of 10 per centum of the sum appropriated by the first section of this Act shall be paid to or received by any agent or attorney in consideration for services rendered in connection with the appropriation described in the first section. Violation of this section is a misdemeanor, and any person convicted thereof shall be fined not more than $1,000.

Violation, penalty.

Approved August 29, 1980.

Private Law 96-59
96th Congress

An Act

For the relief of H. F. Mulholland and the estate of John Oakason.

Aug. 29, 1980
[S. 1626]

H. F. Mulholland and estate of John Oakason.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of section 31(c) of the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 188(c)), the Secretary of the Interior is authorized and directed to receive, consider, and act upon a petition of H. F. Mulholland and the estate of John Oakason, lessees of record of terminated oil and gas lease numbered W-11843, for reinstatement of said lease if such petition is filed within ninety days after the effective date of this Act, together with the required rental, if any, including back rental accruing from the date of termination of the lease, notwithstanding the time limit for payment of such rental set forth in section 31(c) (30 U.S.C. 188(c)). The date of termination of the primary term of said lease as reinstated shall be May 31, 1985.

Termination.

Approved August 29, 1980.

Private Law 96-60
96th Congress

An Act

Sept. 26, 1980
[S. 215]

For the relief of Renuka Pavla.

Renuka Pavla.

8 USC 1101.

8 USC 1154.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Renuka Pavla may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon the approval of a petition filed on her behalf by Mr. and Mrs. Kenneth L. Lucas, citizens of the United States, pursuant to section 204 of the Act: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Approved September 26, 1980.

Private Law 96-61
96th Congress

An Act

Oct. 9, 1980
[H.R. 6538]

To authorize and direct the Secretary of the Interior to reinstate oil and gas lease New Mexico 33955.

Oil and gas lease New Mexico 33955, reinstatement.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of section 31 of the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 188), the Secretary of the Interior is authorized and directed, upon petition by David Fasken, lessee of record of terminated oil and gas lease New Mexico 33955, to reinstate said lease if the petition is filed within ninety days after the effective date of this Act, together with the required rental, if any, including back rental accruing from the date of the termination of the lease.

Approved October 9, 1980.

Private Law 96-62
96th Congress

An Act

For the relief of Viktor Ivanovich Belenko.

Oct. 14, 1980

[S. 2961]

Viktor Ivanovich Belenko.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Viktor Ivanovich Belenko, who was lawfully admitted to the United States for permanent residence on September 9, 1976, shall be held and considered to have satisfied the requirements of section 316 of the Immigration and Nationality Act relating to required periods of residence and physical presence within the United States; shall not be held or considered to be within any of the classes of persons described in section 313 of that Act; and, notwithstanding the provisions of section 310(d) of that Act, may be naturalized at any time after the date of enactment of this Act if otherwise eligible for naturalization under the Immigration and Nationality Act.

8 USC 1427.

8 USC 1424.

8 USC 1421.

Approved October 14, 1980.

Private Law 96-63
96th Congress

An Act

For the relief of certain aliens.

Oct. 19, 1980

[S. 707]

Permanent residence for certain aliens.

8 USC 1101 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, the following named aliens shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by the required numbers, during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries which are made available to natives of the countries of the aliens' birth upon paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act:

8 USC 1153.

BANMAN-Redecop, Diedrich
    Banman-Redecop, Aganetha
    Banman-Redecop, Agatha
    Banman-Redecop, Hallena
    Banman-Redecop, Mary
BERGEN-Neudorf, Bernard
    Bergen-Guenther, Susana
    Bergen-Guenther, Justina
    Bergen-Guenther, Helena
    Bergen-Guenther, Bernhard
BERGEN-Reddekopp, Bernhard
    Bergen-Neudorf, Helena
    Bergen-Neudorf, Elizabeth
BERGEN-Neudorf, John
    Bergen-Wall, Elisa

- DUECK-Loewen, Cornelius
  - Plett-de Dueck, Anna
  - Dueck-Plett, Cornelius
  - Dueck-Plett, Frederick
  - Dueck-Plett, John
  - Dueck-Plett, Anita
  - Dueck-Plett, Dennis
  - Dueck-Plett, Klaas
  - Dueck-Plett, Elizabeth
- DUECK-Loewen, Edwin
  - Plett-de Dueck, Margaretha
  - Dueck-Plett, Bernard
  - Dueck-Plett, Norman
  - Dueck-Plett, Harold
  - Dueck-Plett, Peter
  - Dueck-Plett, Irene
  - Dueck-Plett, Raymond
  - Dueck-Plett, Robert
- DUECK-Loewen, Henry
  - Kornelson-de Dueck, Mary
  - Dueck-Kornelson, Milton
  - Dueck-Kornelson, Dale
  - Dueck-Kornelson, Elizabeth
  - Dueck-Kornelson, Paul
  - Dueck-Kornelson, Kenneth
  - Dueck-Kornelson, Myrtle
- DUECK-Plett, Lorenzo
  - Dueck-de Dueck, Erna
- DUECK-Loewen, Norman
  - Kornelson-de Dueck, Elvira
  - Dueck-Kornelson, Glenn
  - Dueck-Kornelson, Carol
- DUECK-Loewen, Peter
  - Wolfe-de Dueck, Maria
  - Dueck-Wolfe, Lorna
  - Dueck-Wolfe, Richard
  - Dueck-Wolfe, Terry
  - Dueck-Wolfe, Garland
- DYCK-Quiring, Francisco
  - Dyck-Wolfe, Agatha
  - Dyck-Wolfe, Aganetha
  - Dyck-Wolfe, Daniel
  - Dyck-Wolfe, Franz
  - Dyck-Wolfe, Susana
- DYCK-Teichroeb, Heinrich
  - Dyck-Martens, Aganetha
  - Dyck-Martens, Aganetha
- DYCK-Neudorf, Jacob
  - Wiebe-Froessen, Helen
- DYCK-Dyck, Peter
  - Dyck-Loewen, Katharina
  - Dyck-Quiring, Aganetha
  - Dyck-Quiring, Aganetha
  - Dyck-Quiring, Benjamin
  - Dyck-Quiring, Elizabeth
  - Dyck-Quiring, Heinrich
  - Dyck-Quiring, Jacob
  - Dyck-Quiring, Margarita
  - Dyck-Quiring, Maria

- DYCK-Loewen, Peter
    - Dyck-Freesse, Agatha
    - Dyck-Freesse, Franz
    - Dyck-Froesse, David
    - Dyck-Froesse, Helena
    - Dyck-Froesses, Abram
    - Dyck-Froesses, Aganetha
    - Dyck-Froesses, Bernhard
    - Dyck-Froesses, Guillermo
    - Dyck-Froesse, Helena
    - Dyck-Froesses, Peter
    - Dyck-Martins, Johan
    - Dyck-Martins, Margarita
- FEHR-Friesen, Peter
    - Peters-Friesen, Aganetha
- FRIESSEN-Peters, Abraham
    - Dyck-de Friessen, Getrudis
    - Friessen-Dyck, Elizabeth
- FRIESEN-Friesen, Edward
    - Kornelson-de Friesen, Elizabeth
    - Friesen-Kornelson, Jim
    - Friesen-Kornelson, Dennis
    - Friesen-Kornelson, Ronald
    - Friesen-Kornelson, Floyd
- FRIESEN-Friesen, Jacob
    - Friesen-Teichroeb, Elisabeth
    - Friesen-Teichroeb, Jacob
- FRIESEN-Friesen, Johan
- FRIESSEN-Peters, Corny
    - De Friessen-Dyck, Aganetha
    - Friessen-Dyck, Abraham
- FROESE-Hamm, Cornelio
    - Froese-Bergen, Helena
    - Froese-Bergen, Jacob
    - Froese-Bergen, Katharina
    - Froese-Bergen, Katharina
    - Froese-Bergen, Margarita
- FROESE-Peters, Pedro
    - Froese-Froesse, Elizabeth
    - Froese-Froesse, Pedro
    - Froese-Froesse, Jacob
    - Froese-Froesse, Elizabeth
- GIESBRECHT-Bikert, Abraham
    - Giesbrecht-Klassen, Judith
    - Giesbrecht-Klassen, Abraham
- GIESBRECHT-Friesen, Jacob
- GIESBRECHT-Friesen, Peter
    - Froese, Katharina
- GOERTZEN-Giesbrecht, Isaak
    - Goertzen-Knelsen, David
    - Goertzen-Knelsen, Francisco
    - Goertzen-Knelsen, Isaak
    - Goertzen-Knelsen, Katharina
    - Goertzen-Knelsen, Maria
    - Goertzen-Knelsen, Susana
- GUENTHER-Fehr, Jacob
    - Guenther-Hiebert, Katharina
- GUENTHER-Zacharias, Jacob

- HARMS-Dyck, Abraham
  - Harms-Reimer, Abraham
  - Harms-Reimer, Maria
  - Harms-Reimer, Martha
- HARMS-Andres, Abram
  - Harms-Neufeld, Abram N.
  - Harms-Neufeld, George
  - Harms-Neufeld, Helena
  - Harms-Neufeld, Jake
  - Harms-Neufeld, Johan
  - Harms-Neufeld, Margaretha
  - Harms-Neufeld, Maryann
  - Harms-Neufeld, Sara
  - Harms-Neufeld, Sara
  - Harms-Neufeld, Tina
- HARMS-Dyck, Isaac
  - Harms-Rempel, Ana
  - Harms-Rempel, Abraham
  - Harms-Rempel, Bernardo
  - Harms-Rempel, Isack
  - Harms-Rempel, Katharina
  - Harms-Rempel, Susana
  - Harms-Rempel, Susana
- HARMS-Dyke, Johan
  - Harms-Guenther, Elizabeth
  - Harms-Guenther, Margaret
  - Harms-Guenther, Elizabeth
- HARMS-Andres, Peter
  - Harms-Thiessen, Helena
  - Harms-Thiessen, Abram
  - Harms-Thiessen, Jacob
  - Harms-Thiessen, Helen
  - Harms-Thiessen, Johann
  - Harms-Thiessen, Berman
  - Harms-Thiessen, David
  - Harms-Thiessen, Gerherd
  - Harms-Thiessen, Peter
- HARMS-Dyck, Peter
  - Harms-Wall, Abraham
  - Harms-Wall, Anna
  - Harms-Wall, Helena
  - Harms-Wall, Helena
  - Harms-Wall, Johan
  - Harms-Wall, Maria
  - Harms-Wall, Pedro
- KLASSEN-Rempel, David
  - Rempel-de Klassen, Margarita
  - Klassen-Rempel, Heinrich
  - Klassen-Rempel, Franz
  - Klassen-Rempel, David
- KLASSEN-Dyck, John
  - Klassen-Kroeker, Elisabeth
  - Klassen-Kroeker, Katharina
  - Klassen-Kroeker, Peter
- KLASSEN-Wolf, Martin
- KNELSEN-Hamm, David
  - Knelsen-Wieler, Aganetha
  - Knelsen-Wieler, David

- Knelsen-Wieler, Franz
- Knelsen-Wieler, John

- KORNELSON-Dueck, Francisco
  - Plett-de Kornelson, Roseline
  - Kornelson-Plett, Rhonda
- KRAHN-Rempel, Johan
  - Neufeld-Biekert de Krahn, Maria
  - Katharina
  - Helena
  - Maria
  - John
  - Margaretha
- KRHAN-Martens, Wilhelm
  - Krhan-Neufeld, Elisabeth
  - Krhan-Neufeld, Jacob
  - Krhan-Neufeld, Katharina
  - Krhan-Neufeld, Maria
  - Krhan-Neufeld, Maria
  - Krhan-Neufeld, Susana
- LOEPPKY, Wiebe, Cornelius
  - Loeppky-Penner, Susan
- LOEWEN-Wiebe, Cornelius
  - Peters-Friessen, Maria
  - Loewen-Peters, Heinrich
  - Loewen-Peters, Kathrina
  - Loewen-Peters, Cornelius
- LOWEN-Dueck, Edwin David
  - Plett-de Loewen, Irma
- MARTENS-Schmitt, Heinrich
  - Martens-Schmitt, Anna
  - Martens-Schmitt, Abraham
  - Martens-Schmitt, Anna
  - Martens-Schmitt, Frans
  - Martens-Schmitt, Johan
  - Martens-Schmitt, Peter
- MARTENS-Schmitt, Katherina
  - Martens-Dyck, Katherina
- MARTINS-Smitt, David
  - Martins-Zacharias, Margaret
  - Martins, Annie
- NEUDORF-Bergen, Cornelius
  - Neudorf-Friessen, Anna
  - Neudorf-Friessen, Anna
  - Neudorf-Friessen, Cornelio
  - Neudorf-Friessen, Jacobo
  - Neudorf-Friessen, Katharina
- NEUFELD-Schmitt, Cornelius
  - Neufeld-Bergen, Hellen
- NEUFELD-Loewen, Heinrich
  - Klassen-Niefeld de Neufeld, Justina
  - Neufeld-Klassen, Jacob
- NEUFELD-Giesbrecht, Herman
  - Neufeld-Wiebe, Elma
  - Neufeld-Wiebe, Richard Herman
  - Neufeld-Wiebe, Susana
- NEUFELD-Wieler, Johan
  - Neufeld-Wieler, Anna
  - Neufeld-Wieler, David

Neufeld-Wieler, Enrique
Neufeld-Wieler, Getruda
Neufeld-Wieler, Juan
Neufeld-Wieler, Mary
Neufeld-Wieler, Patricia Lynn
NEUSTATER-Henrichs, Johan
Neustater-Loewen, Elena
Neustater-Loewen, Katharina
Neustater-Loewen, Tina
NEUSTATER-Klassen, Peter
Neustater-Friessen, Gerardo
Neustater-Friessen, Pedro
Friessen-de Neustater, Elizabeth
PETERS-Bergen, Abram
Peters-Redakopp, Aganetha
Pedekopp-de Peters, Katharina
PETERS-Heide, Aron
Fehr-de Peters, Elisa
Peters-Fehr, Mary
PETERS-Beisbrecht, David
PETERS-Thiessen, Isaak
Peters-Kreeker, Anna
Peters-Kreeker, Abraham
Peters-Kreeker, Elizabeth
Peters-Kreeker, Katharina
Peters-Kroeker, Franz
Peters-Kroeker, Isaak
PETERS-Geisbrecht, John
Peters-Peters, Anna
Peters-Neufeld, Peter
Peters-Peters, Anna
Peters-Peters, Margaret
Peters-Peters, Tina
PLETT-Plett, Gerhard
Petkau-de Plett, Helena
Plett-Petkau, Wayne
Plett-Petkau, Burne
REDECOP-Wiens, Peter
Redecop-Zacharias, Anna
Redecop-Zacharias, Abram
Redecop-Zacharias, David
Redecop-Zacharias, Franz
Redecop-Zacharias, Isaac
Redecop-Zacharias, John
Redecop-Zacharias, Margareta
Redecop-Zacharias, Susanna
REDDEKOPP-Unrau, Jakob
Reddekopp-Bergen, Susana
Reddekopp-Bergen, Jakob
Reddekopp-Bergen, Lena
REDEKOPP-de Berg, Margaretha
REIMER-Friesen, Diedrich
Reimer-Fehr, Anna
Reimer-Fehr, Cornelius
Reimer-Fehr, Eva
Reimer-Fehr, Isidro
Reimer-Fehr, Jacob
Reimer-Fehr, Johan

- Reimer-Fehr, Maria
- Reimer-Fehr, Maria
- Reimer-Fehr, Martha
- Reimer-Fehr, Sara

REIMER-Rempel, Diedrich
- Reimer-Froese, Anna
- Jake

REIMER-Wiebe, Heinrich
- Fehr-de Reimer, Sara
- Reimer-Fehr, Helena
- Reimer-Fehr, Jacobo
- Reimer-Fehr, Johan
- Reimer-Fehr, Katharina
- Reimer-Fehr, Peter

REIMER-Fehr, Henry
- Reimer-Friesen, Helena

REIMER-Friesen, Jacob
- Reimer-Peters, Anna
- Reimer-Peters, Cornelius
- Reimer-Peters, Margaretha
- Reimer-Peters, Maria
- Reimer-Peters, Margaretha
- Reimer-Peters, Abraham

REIMER, Johan

REIMER-Schellemberg, Johann
- Reimer-Froese, Helena
- Reimer-Froese, Jacob
- Reimer-Froese, Bernard

REIMER-Frosese, Peter
- Reimer-Fehr, Aganetha
- Reimer-Fehr, Cornelius
- Reimer-Fehr, Elizabeth
- Reimer-Fehr, Heinrich
- Reimer-Fehr, Juan
- Reimer-Fehr, Pedro
- Reimer-Fehr, Sara
- Reimer-Fehr, Sarah Weibe

REMPEL-Enns, Cornelius
- Plett-de Rempel, Elda
- Rempel-Plett, Steven

REMPEL-Giesbrecht, David
- Rempel-Friesen, Aganetha
- Rempel-Friesen, Anna
- Rempel-Friesen, David
- Rempel-Friesen, Elizabeth
- Rempel-Friesen, Katharina

REMPEL-Giesbrecht, Jacob
- Wieler-Rempel, Elizabeth
- Rempel-Wieler, Jacob
- Rempel-Wieler, Anna
- Rempel-Wieler, Johan

SCHMITT-Penner, Jacob
- Schmitt-Thiessen, Helena
- Schmitt-Thiessen, Maria
- Schmitt-Thiessen, Gierhord
- Schmitt-Thiessen, Bernard
- Schmitt-Thiessen, Katharina
- Schmitt-Thiessen, Helena

Schmitt-Thiessen, Peter
Schmitt-Thiessen, Franz
SCHMITT-Thiessen, Johann
Schmitt-Friessen, Margaretha
Schmitt-Friessen, Heinrich
Schmitt-Friessen, David
SCMITT-Sall, Johan
Scmitt-Klassen, Katharina
Scmitt-Klassen, Franz
Scmitt-Klassen, David
Scmitt-Klassen, Anna
Scmitt-Klassen, Aganetha
Scmitt-Klassen, Abraham
SIEMENS-Hine, William
Siemens-Peters, Margaretha
Siemens-Peters, George
Siemens-Peters, Nettie Colleen
TEICHROEB-Weibe, Bernardo
Teichroeb-Neufeld, Helena
Teichroeb-Neufeld, Monica Lyn
TEICHROEB-Knelsen, Johan
Teichroeb, Peter Siemens
Teichroeb-Siemens, Elizabeth
Teichroeb-Siemens, Johan
Teichroeb-Siemens, Katharina
Teichroeb-Siemens, Mary
TEICHROEB-Weibe, Johan
Teichroeb-Goertzen, Anna
Teichroeb-Goertzen, Bernardo
Teichroeb-Goertzen, Franz
Teichroeb-Goertzen, Maria
Teichroeb-Goertzen, Peter
Teichroeb-Goertzen, Susana
TEICHROEB-Siemens, William
Teichroeb, Anna Guenter
WALL-Bergen, Isaak
Fehr-de Wall, Justina
Wall-Fehr, Isaak
Wall-Fehr, Jacob
Wall-Fehr, Johan
WALL-Smith, Jacob
WIEBE-Dyck, Bernhard
Wiebe, Tina Neufeld
WIEBE-Klassen, Franz
Wiebe-Redekop, Maria
Wiebe-Redekop, Jake
Wiebe-Redekop, Peter
Wiebe-Redekop, Susana
Wiebe-Redekop, Teena
WIEBE-Dyck, Gerardo
Klassen-Wiebe, Susana
WIEBE-Klassen, Henrich
WIEBE-Gunter, Issac
WIEBE-Peters, Isaak
WIEBE-Gunther, Jacob
Wiebe-Neufeld, Helena
Wiebe-Neufeld, Jacob
Wiebe-Neufeld, Tina

WIELER-Wiens, Benhamin
  Wieler-Enns, Anna
  Wieler-Enns, Cornelio
  Wieler-Enns, Helena
WIELER-Klassen, Enrique
  Wieler-Hiebert, Anna
  Wieler-Hieberth, Francisco
WIELER-Wiebe, Peter
  Wieler-Klassen, Anna
  Wieler-Klassen, David
  Wieler-Klassen, Elena
  Wieler-Klassen, Katharina
  Wieler-Klassen, Maria
FEHR-Klassen, Johan
  Fehr-Peters, Agatha
  Fehr-Peters, Agatha
  Fehr-Peters, Ana
  Fehr-Peters, Henrich
  Fehr-Peters, Katharina
  Fehr-Peters, Maria
  Fehr-Peters, Peter
  Fehr-Peters, Susana
NEUDORF-Buercker, Henry
  Neudorf-Dyck, Aganetha
  Neudorf-Dyck, Christina
  Neudorf-Dyck, Henry
  Neudorf-Dyck, Jake
  Neudorf-Dyck, John
  Neudorf-Dyck, Mary
  Neudorf-Dyck, Peter
  Neudorf-Dyck, Sysan
KLASSEN-Klassen, David
  Wiebe-Klassen, Elizabeth
  Klassen-Wiebe, David
  Klassen-Wiebe, Hentry
  Klassen-Wiebe, Peter
  Klassen-Wiebe, Benjamin
  Klassen-Wiebe, Helena
BANMANN, Diedrich
  Banmann-Reddekopp, Susanna
  Banmann, Maria
  Banmann, John
  Banmann, Jacob
BASCHMAN, Jacob Friesen
  Baschman, Elizabeth Wieler
  Baschman, Benjamin Wieler
  Baschman, Jacob Wieler
BERGEN, Herman Neudorf
  Bergen, Elisabeth Loewen
  Bergen, Elisabeth
  Bergen, Herman
  Bergen, John
  Bergen, Helena
  Bergen, Jacob
  Bergen, Susan
  Bergen, Judy
DUECK-Barkman, Peter
  Dueck-de Dueck, Marlene

DYCK, Abram Froese
FEHR-Neufeld, Jacob
    Fehr-Penner, Aganetha
    Fehr-Penner, Maria
    Fehr-Penner, Johnny
FRIESEN, Bernhard Giesbrecht
    Friesen, Katharina Funk
    Friesen, Franz Funk
    Friesen, Maria Funk
    Friesen, Peter Funk
    Friesen, Susana Funk
FRIESEN-Dyck, Clarence
    Friesen-Dyck, Marolyn
FRIESEN-Teichroeb, David
    Dyck-de Friesen, Anna
    Friesen-Duck, Marlene
    Friesen-Dyck, Ricky
FRIESEN, Gerhard Heidi
FRIESEN, Isaac Reimer
FRIESEN, Jacob Hiebert
    Friesen, Anna Wieler
    Friesen, Aganetha Wieler
    Friesen, Jacob Wieler
FROESE, Johan Bergen
    Froese, Aganetha Rempel
    Froese, Aganetha Rempel
    Froese, Bernhard Rempel
    Froese, Gerhard Rempel
    Froese, Jacob Rempel
    Froese, Johan Rempel
    Froese, Judith Rempel
    Peters, Susana Knelsen
FROESE, Johan Hamm
    Froese, Helena Ketler
    Froese, Elisabeth Ketler
    Froese, Helena Ketler
    Froese, Johan Ketler
GIESBRECHT, David Dyck
    Giesbrecht, Sara Redekop
    Giesbrecht, Susie Redekop
    Giesbrecht, Willie Redekop
GIESBRECHT, Peter Friesen
    Giesbrecht, Elizabeth Neustaeter
    Giesbrecht, Henrich Neustaeter
    Giesbrecht, Jacob Neustaeter
    Giesbrecht, Maria Neustaeter
GUENTHER-Friesen, Jacob
    Doerksen-Wall, Katherina
    Guenther, Helena O.
    Guenther, Heinrich
    Guenther, Eva
    Guenther, Katharina
    Guenther, Elizabeth
    Guenther, Jacob
    Guenther, Ana
    Guenther, David
    Guenther, Johann

HARDER, Peter
    Harder, Anna Wiens
    Harder, Agatha Wiens
    Harder, Jake Wiens
    Harder, Katherina Wiens
HIEBERT, Jacob Rempel
KLASSEN, Jacob Thiessen
    Klassen, Helena Peters
    Klassen, Anna Peters
    Klassen, Elizabeth Peters
    Klassen, Eva Peters
    Klassen, Isaac Peters
    Klassen, Jacob Peters
    Klassen, Maria Peters
    Klassen, Martha Peters
    Klassen, Neta Peters
    Klassen, Sara Peters
    Klassen, Susana Peters
KLASSEN-Wiebe, Herman
    Peters-Martens de Klassen, Helena
    Johan
    Herman
    Sara
    Jacob
    Maria
    Peter
    Helena
    Anna
    Aganetha
LETKEMAN, Peter Harms
    Letkeman, Maria Martens
    Letkeman, Elizabeth Martens
LOEWEN, Frank Wiens
    Loewen-Heide, Agatha
MARTENS, Frank Broese
    Martens, Katerina
    Martens, Frank Neufeld
    Martens, David
    Martens, Jacob
NEUFELD, David Teichroeb
    Neufeld-Bergen, Judy
PETERS, Abram Guenther
    Peters, Maria Bergen
    Peters, David Bergen
    Peters, Margareta Bergen
REDECOP, Benjamin Peters
REDDEKOPP-Zacharias, Jacob
    Reddekopp-Wall, Helen
    Cornelius
    Margaret
    Jacob
REDEKOP-Peters, Benjamin
    Redekop-Klassen, Sara
    Redekop-Klassen, Peter
    Benjamin
    Martin
    Sara
    Margartha

  - Susana
  - Helena
  - Maria
  - Franz
  - Abram
  - David
  - Heinrich
  - Cornelius
  - Wilhelm
- REDEKOPP-Zacharias, Peter
  - Redekopp-Neufeld, Nancy
  - Redekopp-Neufeld, Maria
- REIMER-Kornelson, Gustav
  - Petkau-de Reimer, Mary
  - Reimer-Petkau, Susie
  - Reimer-Petkau, Edward
  - Reimer-Petkau, Lena
  - Reimer-Petkau, John
  - Reimer-Petkau, Gustav
  - Reimer-Petkau, Alvina
  - Reimer-Petkau, Shirley
- REIMER, Jacke
- REIMER, Johan Fehr
- REIMER-Fehr, Johan
  - Friesen-de Reimer, Elizabeth F.
  - Reimer-Friesen, Cornelius
  - Reimer, Friesen, Abram
- REMPEL, Jacob Siemons
  - Teichroeb, Nattie Dyck
- REMPEL-Siemons, Gerhardt
  - Rempel-Reimer, Justina
  - Rempel-Reimer, Susanna
  - Rempel-Reimer, Sara
  - Rempel-Reimer, Wilhelm
  - Rempel-Reimer, Abraham
  - Rempel-Reimer, Annie
- REMPEL-Seinons, John
  - Rempel-Bueckert, Nettie
- SIEMENS, Wilhelm Peters
- THIESSEN, Wilhelm Reimer
  - Thiessen, Helena Siemons
- WALL, Jacob Fast
  - Wall, Agatha Peters
  - Wall, Anna Peters
  - Wall, Nicolas Peters
  - Wall, Susana Peters
- WIEBE, Abram Unrau
  - Wiebe, Margaret Hamm
  - Wiebe, Aganetha
  - Wiebe, John
  - Wiebe, Peter
  - Wiebe, Susie
- WIEBE, Isaak Klassen
- WIEBE-Klassen, Ben
  - Wiebe-Neufeld, Anna
- WIEBE-Klassen, Katherin
  - Wiebe-Klassen, Agatha
  - Wiebe-Klassen, Eva

Approved October 19, 1980.

Private Law 96-64
96th Congress

An Act

For the relief of Doctor Eric George Six, Ann Elizabeth Six, and Karen Elizabeth Mary Six.

Nov. 26, 1980
[H.R. 7764]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Eric George Six, Ann Elizabeth Six, and Karen Elizabeth Mary Six shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct three numbers from the total number of immigrant visas and conditional entries which are made available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act or, if applicable, from the total number of such visas and entries which are made available to such natives under section 202(e) of such Act.

Dr. Eric George Six et al.
8 USC 1101 note.

8 USC 1153.

8 USC 1152.

Approved November 26, 1980.

Private Law 96-65
96th Congress

An Act

To convey all interests of the United States in certain real property in Sandoval County, New Mexico, to Walter Hernandez.

Nov. 26, 1980
[H.R. 1762]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all right, title, and interest of the United States in the following lands are hereby released and conveyed to Mr. Walter Hernandez of Cuba, New Mexico: the northwest quarter of the northwest quarter of section 27, township 21 north, range 1 west, New Mexico principal meridian, Sandoval County, New Mexico, containing approximately forty acres: *Provided,* That such conveyance shall be made subject to Federal Oil and Gas lease NM-A 18520 issued June 1, 1973, and shall reserve to the United States all rentals and royalties payable to the lessor under the terms and conditions of such lease for so long as such lease remains in full force and effect.

N. Mex., land conveyance to Walter Hernandez.

SEC. 2. Upon application by the grantee, the Secretary of the Interior is authorized and directed to issue such patents or other documents of conveyance as he deems necessary to evidence the conveyance effected by section 1 of this Act.

Patents or other documents.

Approved November 26, 1980.

Private Law 96-66
96th Congress

An Act

Nov. 26, 1980
[H.R. 3459]

To waive the statute of limitations with regard to the claim of Eazor Express, Incorporated, of Pittsburgh, Pennsylvania, against the United States.

Eazor Express, Inc., claim against U.S., statute of limitations, waiver.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, **That the time limitations contained in section 5 of the Act of March 9, 1920 (commonly referred to as the "Suits in Admiralty Act"; 46 U.S.C. 745) or section 536.45(h) of title 32, Code of Federal Regulations, are not applicable in the case of any claim for damages presented in writing to the appropriate Federal agency in accordance with the Act entitled "An Act for the extension of admiralty jurisdiction", approved June 19, 1948 (46 U.S.C. 740) or section 4802 of title 10, United States Code, within six months after the date of enactment of this Act by Eazor Express, Incorporated, for property damage at the Maspeth Terminal Yard, Brooklyn, New York, sustained as a result of the dredging of Newtown Creek, Queens County, New York, by the United States Army Corps of Engineers in April 1974. Notwithstanding the provisions of section 5 of the Act of March 9, 1920 (commonly referred to as the "Suits in Admiralty Act"; 46 U.S.C. 745) an action may be commenced against the United States with respect to the claim described in the preceding sentence if such action is commenced within six months of final denial of any claim filed under such sentence. The failure of the agency to make final disposition of the claim described in the first sentence of this Act within six months after it is filed shall, at the option of the claimant any time thereafter, be deemed a final disposition of the claim for purposes of this Act.**

SEC. 2. Nothing in this Act shall be construed as an inference of liability on the part of the United States.

Approved November 26, 1980.

Private Law 96-67
96th Congress

An Act

Dec. 5, 1980
[H.R. 7698]

For the relief of two mining claimants.

Mining claimants, relief.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That upon application under this Act by the record owners thereof, the Secretary of the Interior, hereinafter referred to as "the Secretary", shall reconsider mineral patent application numbered N-11818 for the Airway Number 19 mining claim in Nevada.

SEC. 2. If the Secretary determines that the applicants would have been entitled to a patent under the mining laws, if they or their predecessors had posted their mining claim in the manner and in the time period prescribed by the first section of the Act of August 12, 1953 (30 U.S.C. 501), the Secretary shall issue a patent to the applicants under this Act, subject to the limitations and conditions in section 3 hereof.

SEC. 3. (a) The patent issued under this Act shall convey title to only the sand and gravel deposits within the claim and shall reserve to the United States all title in or to the other minerals and to the surface of the lands and products thereof. No use of the surface of the claim shall be allowed except that which the Secretary determines to be reasonably required for carrying on mining of the sand and gravel.

(b) Patent shall be issued only upon payment to the Secretary of the purchase price prescribed for placer claims by Revised Statute section 2333 (30 U.S.C. 37) and such administrative costs of adjudication and conveyance as are determined by the Secretary.

SEC. 4. If the Secretary determines under section 2 hereof that the applicants are entitled to a patent under this Act and a patent is issued, the record owners of the Airway Number 19 mining claim and their predecessors in interest shall be entitled to all of the rights and benefits they would have had under the mining laws if they had posted their mining claim in the manner and in the time period prescribed by the first section of the Act of August 12, 1953 (30 U.S.C. 501), except the right to a patent under the mining laws.

Approved December 5, 1980.

Private Law 96-68
96th Congress

An Act

Dec. 5, 1980
[H.R. 7960]

To provide for the setting aside in special trust lands and interests within the Winema National Forest to Edison Chiloquin and for the transfer of moneys otherwise available to Mr. Chiloquin from the Klamath Indian Settlement to the Secretary of Agriculture for the acquisition of replacement lands or interests.

Edison Chiloquin, lands and interests in trust.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is hereby directed to set aside in special trust for Edison Chiloquin of Chiloquin, Oregon, the beneficial use and occupancy of and to a tract of land including the area known as Chiloquin Village, located within sections 2 and 11, township 35 south, range 7 east, Willamette Meridian, Klamath County, Oregon.

SEC. 2. The Secretary of Agriculture shall reserve to the United States the legal fee to these lands. The uses of these lands shall not be inconsistent with its cultural, historical, and archeological character. Should the land and interests conveyed herein be used by Edison Chiloquin, his heirs, or assigns, or by others with their consent for other than traditional Indian purposes, they may revert to the United States to be held in perpetuity to protect the significant archeological, cultural, and traditional values associated with these lands.

SEC. 3. The Secretary of Agriculture in consultation with the Secretary of the Interior, shall determine and assure that the value of the beneficial use and occupancy of the area set aside in special trust for Edison Chiloquin is substantially equal to the amount of the share of the proceeds from Civil Numbered 74-894, U.S.D.C., Oregon, which share would otherwise be available to Mr. Chiloquin.

Special fund.

SEC. 4. The moneys to which Edison Chiloquin would otherwise be entitled as payment for his share of the Act of August 16, 1973 (87

25 USC 564w-2. **Stat. 349) and Civil Numbered 74-894, U.S.D.C., Oregon, shall be paid to the Secretary of Agriculture, who shall deposit such moneys into a special fund in the Treasury. Such moneys shall remain available until expended by the Secretary of Agriculture for the acquisition of lands or interests therein within the former boundaries of the Klamath Indian Reservation which are determined by the Secretary of Agriculture to be suitable for national forest purposes. Lands or interests therein acquired under this section shall become part of the Winema National Forest and subject to the laws, rules, and regulations applicable to the national forests.**

Approved December 5, 1980.

Private Law 96-69
96th Congress

An Act

Dec. 5, 1980
[S. 1578]

For the relief of Doctor Halla Brown.

Dr. Halla Brown.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Treasury shall pay to Doctor Halla Brown, of the District of Columbia, out of any money in the Treasury not otherwise appropriated, the sum of $500,000, less any amount certified to the Secretary of the Treasury by the Secretary of State pursuant to subsection (b). Such sum represents the uncompensated portion of the loss incurred by Doctor Halla Brown for injuries suffered in an automobile accident on April 20, 1974, in Washington, District of Columbia, involving Alberto Watson-Fabrega, a diplomat accredited to the Republic of Panama, which loss is uncompensated by the Republic of Panama, or by personal insurance.

(b) The Secretary of State shall certify to the Secretary of the Treasury the amount, if any, paid in connection with the loss described in subsection (a) to Doctor Halla Brown by the Republic of Panama during the period of April 20, 1974, to the date of enactment of this Act.

(c) The payment made pursuant to subsection (a) to Doctor Halla Brown shall be in full satisfaction of all claims of Doctor Halla Brown against the Republic of Panama arising from such automobile accident.

(d) After the date of enactment of this Act, any amount paid by other parties in settlement of any claim of Doctor Halla Brown against the Republic of Panama arising from such automobile accident shall be subrogated to the United States.

Sec. 2. No amount in excess of 10 per centum of the sum paid to Doctor Halla Brown in accordance with the first section of this Act shall be paid to or received by any agent or attorney for services rendered in connection with this claim. Violation of this section is a misdemeanor, and any person convicted thereof shall be fined not more than $1,000.

Approved December 5, 1980.

Private Law 96-70
96th Congress

An Act

To exempt the existing facilities of the Milner Dam from section 14 of the Federal Power Act, and for other purposes.

Dec. 5, 1980
[S. 1828]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of section 14 of the Federal Power Act (16 U.S.C. 807), other than the first sentence of section 14(b) (relating to relicensing), shall not apply to any project works of the Milner Dam project, located on the Snake River near Milner, Idaho, that are in existence on the date of the enactment of this Act, including the Milner Dam, reservoir, and associated irrigation facilities. The exemption provided by the preceding sentence shall not apply to any project works which are not in existence on the date of the enactment of this Act.

Milner Dam, Idaho. Facilities, exemption.

SEC. 2. Except as provided in the first section of this Act, the provisions of this Act shall not be construed as repealing, amending, or otherwise affecting any of the provisions of the Federal Power Act.

Approved December 5, 1980.

Private Law 96-71
96th Congress

An Act

Providing for reinstatement and validation of United States oil and gas leases numbered C-9496, C-9711, C-11600, C-11621, C-11622, C-11630, C-11631, C-11597, C-11599, C-13774, C-14197, C-17049, C-18262, C-26048, C-13532, C-11581, C-11585, C-11590, C-11591, and C-11595.

Dec. 12, 1980
[H.R. 6258]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any decision to the contrary heretofore made by the Secretary of the Interior of the United States or his authorized agents or representatives, United States oil and gas leases numbered C-9496, C-9711, C-11600, C-11621, C-11622, C-11630, C-11631, C-11597, C-11599, C-13774, C-14197, C-17049, C-18262, C-26048, C-13532, C-11581, C-11585, C-11590, C-11591, and C-11595, shall be held not to have terminated by operation of law or otherwise on November 1, 1978, but shall be deemed to be in full force and effect and the terms of said leases extended for a period equal to the unexpired portion of the leases or any extensions thereof remaining on November 13, 1978, or for a period equivalent to the time interval between November 13, 1978, and the date on which the Secretary of the Interior reinstates said leases, whichever is the shorter time period, and so long thereafter as oil or gas is produced in paying quantities: *Provided,* That within thirty days after the receipt of written notice from the Secretary of the Interior of the amount of rental then accrued to the United States under said leases and unpaid to the last record holder of said leases, Fuel Resources Development Company, doing business in Denver, Colorado, its successors or assigns, said record holder shall tender payment of said amount of rental. Notice shall be given by the Secretary within thirty days after the effective date of this Act.

U.S. oil and gas leases, reinstatement and validation.

Approved December 12, 1980.

Private Law 96-72
96th Congress

An Act

Dec. 15, 1980
[H.R. 927]

For the relief of Doctor Ka Chun Wong, and his wife, Marilyn Wong.

Dr. Ka Chun Wong and Marilyn Wong.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Ka Chun Wong, and his wife, Marilyn Wong, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct two numbers from the total number of immigrant visas and conditional entries which are made available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act or, if applicable, from the total number of such visas and entries which are made available to such natives under section 202(e) of such Act.

8 USC 1153.

8 USC 1152.

Approved December 15, 1980.

Private Law 96-73
96th Congress

An Act

Dec. 16, 1980
[S. 576]

For the relief of Larry Grathwohl.

Larry Grathwohl.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding section 1662 of title 38, United States Code (relating to the time limitations for completing a program of education), the Administrator of Veterans' Affairs is authorized to grant Larry Grathwohl of Castro Valley, California, an extension of the applicable delimiting period for completion of a program of education under chapter 34 of title 38, United States Code, not to exceed twenty-three months, to begin on the date of the enactment of this Act, the said Larry Grathwohl having been unable to fully utilize his educational assistance benefits under such chapter for more than three years after his honorable discharge from the Armed Forces of the United States and before the expiration of the delimiting period applicable to him, as the result of performing undercover informer service for the Federal Bureau of Investigation.

38 USC 1651 *et seq.*

Approved December 16, 1980.

Private Law 96-74
96th Congress

An Act

For the relief of the Jewish Employment Vocational Service, Saint Louis, Missouri.

Dec. 18, 1980
[S. 444]

Jewish Employment Vocational Service, Saint Louis, Mo.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Treasury is authorized and directed to pay, out of sums appropriated to the payment of claims, the sum of $67,000 to the Jewish Employment Vocational Service, 1727 Locust Street, Saint Louis, Missouri, a nonprofit charity that operates the Jewish Employment Vocational Service Workshop, a workshop for the training and rehabilitation of blind and other severely handicapped workers, which produces certain commodities purchased by the United States in accordance with the Act entitled "An Act to create a Committee on Purchases of Blind-Made Products, and for other purposes" (52 Stat. 1196).

(b) Payment under this section shall be in full satisfaction of all claims by such Jewish Employment Vocational Service against the United States for certain antifainting capsules (ammonia inhalent ampules) manufactured by such workshop, that were seized, condemned, and destroyed pursuant to orders on December 29 and 30, 1977, by the United States District Court for the Eastern District of Missouri.

SEC. 2. Notwithstanding any contract to the contrary, no amount of the sum appropriated in the first section of this Act shall be paid or delivered to or received by an agent or attorney on account of services rendered in connection with this claim. Any person who violates the provisions of this section is guilty of a misdemeanor punishable by a fine in an amount not to exceed $1,000.

Approved December 18, 1980.

Private Law 96-75
96th Congress

An Act

For the relief of Joe L. Frazier of Elko, Nevada.

Dec. 18, 1980
[S. 453]

Joe L. Frazier.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Joe L. Frazier of Elko, Nevada, the sum of $1,857.70 as reimbursement for expenses incurred by the said Mr. Frazier in transporting household goods to Nairobi, Kenya, from New Meadows, Idaho, in 1973. All such expenses were incurred while the said Mr. Frazier was an employee of the United States Forest Service and was on temporary assignment to the United States Agency for International Development.

SEC. 2. No part of the amount appropriated by this Act in excess of 15 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, any contract to the contrary notwithstanding. Any violation of the provisions of this section is a misdemeanor punishable by a fine not to exceed $1,000.

Approved December 18, 1980.

Private Law 96-76
96th Congress

An Act

Dec. 18, 1980
[S. 1307]

For the relief of Gerald W. Frye.

Gerald W. Frye.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Defense is authorized and directed to pay out of any appropriations or other funds available for the reimbursement of relocation expenses under section 5724a of title 5, United States Code, to Gerald W. Frye, $4,212.30. Such sum shall be in full satisfaction of any claim by Gerald W. Frye, an employee of the Defense Logistics Agency transferred from Orlando, Florida, to Burlington, North Carolina, for expenses—

(1) which were incurred in connection with the sale of his residence, and

(2) for which he would have been reimbursed under section 5724a and the implementing regulations but for the fact such sale was not completed within the required time limit prescribed in paragraph 2-6.13 of the Federal Travel Regulations, FPMR 101-7, May 1973, because of his reliance on erroneous information given him by an officer of such agency.

SEC. 2. No part of the amount appropriated by this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, any contract to the contrary notwithstanding. Violation of the provisions of this section is a misdemeanor punishable by a fine not to exceed $1,000.

Approved December 18, 1980.

Private Law 96-77
96th Congress

An Act

Dec. 18, 1980
[S. 1615]

For the relief of James R. Thornwell.

James R. Thornwell.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, $625,000 to the trustee designated pursuant to section 2 of this Act for the benefit of James R. Thornwell, originally of South Carolina and now of Oakland, California. Such sum shall be in full satisfaction for the severe physical, psychological, and economic damage, including pain, suffering, emotional distress, trauma, and permanent injuries, inflicted upon James R. Thornwell as a result of the administration by Army personnel of LSD to him in 1961 without his knowledge or consent after subjecting him for six preceding weeks to extreme physical and emotional stress, as part of an Army drug testing program in which he was the only American subject, and as a result of the concealment by the Army of the use of LSD from James R. Thornwell for seventeen years thereafter, during which time he suffered from severe psychological disorientation, and as a result of the Army's failure to provide him any followup care. The payment of such sum shall be in full satisfaction of all claims of James R. Thornwell, his heirs, executors, personal representatives, or assigns, of any nature whatsoever against the United States and its agencies, or against any past or present employee, agent, officer, or person of or associated with the United States, including those asserted in the United States District Court for the District of Columbia in Civil Action Numbered 78-1845, in connection with the circumstances of his injuries compensated by this Act, including injuries incurred subsequent to his discharge from the Armed Forces. James R. Thornwell shall not be eligible for any compensation or benefits from the Veterans' Administration or the Department of Defense.

SEC. 2. The sum paid pursuant to the first section of this Act shall be paid to a California bank as trustee, under a trust agreement to be entered into by such bank and James R. Thornwell (and to be approved as to form by a representative of the Department of Justice of the United States). The trust agreement shall provide that the trustee shall initially pay James R. Thornwell's outstanding debts and obligations, including legal fees and reimbursable expenses in connection with legal services (as limited by section 3 of this Act), shall invest the remaining amounts and hold them in trust, shall during the lifetime of James R. Thornwell pay to him all of the net income of the trust on a monthly basis, and also pay or apply such amounts of the principal as the trustee deems necessary for the health, welfare, comfort, and maintenance of James R. Thornwell, and upon his death shall pay to his estate all assets then held in trust.

SEC. 3. No amount in excess of 10 per centum of the sum appropriated by the first section of this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with the claim described in the first section of this Act, notwithstanding any contract to the contrary. Violation of the provisions of this section is a misdemeanor punishable by a fine not to exceed $1,000.

Approved December 18, 1980.

Private Law 96-78
96th Congress

An Act

For the relief of Annette Jutta Wohrle.

Dec. 18, 1980
[H.R. 4522]

Annette Jutta Wohrle.
8 USC 1101 note.
8 USC 1101.
8 USC 1154.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Annette Jutta Wohrle may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Mr. and Mrs. Hans Wohrle, citizens of the United States, pursuant to section 204 of the Act: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Approved December 18, 1980.

Private Law 96-79
96th Congress

An Act

For the relief of Michael G. Macdonald.

Dec. 18, 1980
[H.R. 5687]

Michael G. Macdonald.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury shall pay to Michael G. Macdonald of Alexandria, Virginia, in a lump sum, out of any money in the Treasury not otherwise appropriated, the sum of $12,122.21. The payment of such sum shall be in full satisfaction of all claims of such individual against the United States for the demurrage charges paid by such individual with respect to the dockside storage of the household goods and personal effects of such individual in London, England, beyond the sixty-day temporary storage time limit authorized by regulations prescribed under subchapter II of chapter 57 of title 5, United States Code. The dockside storage of such goods (from June 1974 until May 1975) was necessitated by the lack of storage space either at the United States Embassy in London, England, to which such individual had been assigned as politico-military attaché, or at the temporary accommodations occupied by such individual and his family while waiting for Government-furnished quarters to become available.

5 USC 5721.

SEC. 2. It shall be unlawful for any amount in excess of 10 per centum of the lump-sum payment designated in the first section of this Act to be paid to or received by any agent or attorney in consideration for services rendered in connection with such lump-sum payment. Any person who violates the preceding provisions of this section shall be fined not more than $1,000.

Approved December 18, 1980.

Private Law 96-80
96th Congress

An Act

For the relief of Jun Ae Hee.

Dec. 18, 1980
[H.R. 5788]

Jun Ae Hee.
8 USC 1101 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Jun Ae Hee may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Mr. and Mrs. James Kline, citizens of the United States, pursuant to section 204 of the Act: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship be accorded any right, privilege, or status under the Immigration and Nationality Act.

8 USC 1101.
8 USC 1154.

Approved December 18, 1980.

Private Law 96-81
96th Congress

An Act

For the relief of Roy P. Benavidez.

Dec. 18, 1980
[H.R. 8386]

Roy P. Benavidez.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, **That the time limitation contained in section 3744 of title 10, United States Code, with respect to the awarding of certain medals to persons who served as members of the Army shall not apply with respect to the awarding of the Medal of Honor to Master Sergeant Roy P. Benavidez (United States Army retired) (service number 455-02-5039), of El Campo, Texas, for acts of valor performed in the Republic of Vietnam in 1968.**

Approved December 18, 1980.

Private Law 96-82
96th Congress

An Act

For the relief of Kuo-Yao Cheng.

Dec. 19, 1980
[H.R. 1316]

Kuo-Yao Cheng.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provision of section 212(a)(9) of the Immigration and Nationality Act, Kuo-Yao Cheng may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act: *Provided,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

8 USC 1182.

Approved December 19, 1980.

Private Law 96-83
96th Congress

An Act

For the relief of Eileen Angella Crosdale.

Dec. 19, 1980
[H.R. 3869]

Eileen Angella Crosdale.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Eileen Angella Crosdale may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by William Alexander and Linda Beatrice Crosdale, a lawfully resident alien and a citizen of the United States, respectively, pursuant to section 204 of the Act: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

8 USC 1101.

8 USC 1154.

Approved December 19, 1980.

Private Law 96-84
96th Congress

An Act

Dec. 19, 1980
[H.R. 4139]

For the relief of Feeronaih Abbosh.

Feeronaih Abbosh.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Feeronaih Abbosh shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct one number from the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act, or, if applicable, from the total number of such visas and entries which are made available to such natives under section 202(e) of such Act: *Provided,* That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as described by section 213 of the said Act.

8 USC 1153.
8 USC 1152.
8 USC 1183.

Approved December 19, 1980.

Private Law 96-85
96th Congress

An Act

Dec. 19, 1980
[H.R. 4778]

For the relief of Sada Kim.

Sada Kim.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Sada Kim shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fees. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct one number from the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) or, if applicable, from the total number of such visas and entries which are made available to such natives under section 202(e) of such Act (8 U.S.C. 1152(e)).

Approved December 19, 1980.

Private Law 96-86
96th Congress

An Act

For the relief of Doctor Toomas Eisler and Carmen Elizabeth Eisler.

Dec. 19, 1980
[H.R. 5067]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Toomas Eisler and Carmen Elizabeth Eisler shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct two numbers from the total number of immigrant visas and conditional entries which are made available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act, or, if applicable, from the total number of such visas and entries which are made available to such natives under section 202(e) of such Act.

Dr. Toomas and Carmen Elizabeth Eisler.

8 USC 1153.

8 USC 1152.

Approved December 19, 1980.

Private Law 96-87
96th Congress

An Act

For the relief of Lilia Ester Cantu.

Dec. 19, 1980
[H.R. 5157]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Lilia Ester Cantu may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Mr. and Mrs. Luis Cantu, a citizen of the United States, and a lawful resident alien, respectively, pursuant to section 204 of the Act: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Lilia Ester Cantu.

8 USC 1101.

8 USC 1154.

Approved December 19, 1980.

Private Law 96-88
96th Congress

An Act

For the relief of Jaramporn Sermsri and Akharata Sermsri.

Dec. 19, 1980
[H.R. 5379]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Jaramporn Sermsri and Akharata Sermsri may be classified as children within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition

Jaramporn and Akharata Sermsri.

8 USC 1101.

8 USC 1154.

filed in their behalf by Mr. and Mrs. Jack Costner, a citizen of the United States, and a lawful resident alien, respectively, pursuant to section 204 of the Act: *Provided,* That the natural parents or brothers or sisters of the beneficiaries shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Approved December 19, 1980.

Private Law 96-89
96th Congress

An Act

Dec. 19, 1980
[S. 551]

For the relief of Fred W. Sloat of Salt Lake City, Utah.

Fred W. Sloat.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, **That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Fred W. Sloat of Salt Lake City, Utah, the sum of $4,728.24 as reimbursement for back military pay (plus accrued interest) which was withheld from the said Mr. Sloat by the United States Army as payment for a vehicle which was commandeered from the said Mr. Sloat in Luxembourg during World War II.**

SEC. 2. No part of the amount appropriated by this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, any contract to the contrary notwithstanding. Any violation of the provisions of this section is a misdemeanor punishable by a fine not to exceed $1,000.

Approved December 19, 1980.

Private Law 96-90
96th Congress

An Act

Dec. 19, 1980
[H.R. 935]

For the relief of Jesse Kuo Tang and Sharon Kuo Tang.

Jesse and Sharon Kuo Tang.
8 USC 1101 note.
8 USC 1101.
8 USC 1154.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, **That, in the administration of the Immigration and Nationality Act, Jesse Kuo Tang and Sharon Kuo Tang may be classified as children within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in their behalf by Mr. and Mrs. Stanley Chih-Chin Tang, citizens of the United States, pursuant to section 204 of the Act:** ***Provided,*** **That the natural parents or brothers or sisters of the beneficiaries shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.**

Approved December 19, 1980.

te Law 96-91
Congress

An Act

For the relief of Kit Tung.

Dec. 19, 1980
[H.R. 936]

enacted by the Senate and House of Representatives of the
States of America in Congress assembled, That for the pur-
f sections 203(a)(1) and 204 of the Immigration and Nationality
it Tung shall be held and considered to be the natural-born
aughter of Mrs. June Armand, a citizen of the United States:
ed, That the natural parents or brothers or sisters of the
iary shall not, by virtue of such relationship, be accorded any
rivilege, or status under the Immigration and Nationality Act.

Kit Tung.

8 USC 1153, 1154.

8 USC 1101 note.

oved December 19, 1980.

e Law 96-92
Congress

An Act

For the relief of Zora Singh Sunga.

Dec. 19, 1980
[H.R. 2433]

enacted by the Senate and House of Representatives of the
States of America in Congress assembled, That, in the adminis-
of the Immigration and Nationality Act, Zora Singh Sunga
classified as a child within the meaning of section 101(b)(1)(F)
ct, upon approval of a petition filed in his behalf by Mr. and
gga Singh Sunga, citizens of the United States, pursuant to
204 of the Act: *Provided,* That the natural parents or brothers
s of the beneficiary shall not, by virtue of such relationship,
ded any right, privilege, or status under the Immigration and
lity Act.

Zora Singh Sunga.
8 USC 1101 note.

8 USC 1101.

8 USC 1154.

ved December 19, 1980.

e Law 96-93
ongress

An Act

For the relief of Olivia Manaois Abrasaldo.

Dec. 19, 1980
[H.R. 2872]

enacted by the Senate and House of Representatives of the
States of America in Congress assembled, That, in the adminis-
of the Immigration and Nationality Act, Olivia Manaois
lo may be classified as a child within the meaning of section
(F) of the Act, upon approval of a petition filed in her behalf
aldo and Concordia Magsanoc citizens of the United States,
t to section 204 of the Act: *Provided,* That the natural parents
ers or sisters of the beneficiary shall not, by virtue of such
hip, be accorded any right, privilege, or status under the
tion and Nationality Act.

Olivia Manaois Abrasaldo.
8 USC 1101 note.

8 USC 1101.

8 USC 1154.

ved December 19, 1980.

Private Law 96-94
96th Congress

An Act

Dec. 19, 1980
[H.R. 3096]

For the relief of Raymond M. Gee.

Raymond M. Gee.
8 USC 1101 note.
8 USC 1101.
8 USC 1154.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Raymond M. Gee may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in his behalf by Mr. and Mrs. Robert L. Gee, citizens of the United States, pursuant to section 204 of the Act: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Approved December 19, 1980.

Private Law 96-95
96th Congress

An Act

Dec. 19, 1980
[H.R. 3138]

For the relief of Surip Karmowiredjo.

Surip Karmowiredjo.
8 USC 1101 note.
8 USC 1101.
8 USC 1154.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Surip Karmowiredjo may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Mr. and Mrs. Harold D. Smith, citizens of the United States, pursuant to section 204 of the Act: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Approved December 19, 1980.

Private Law 96-96
96th Congress

An Act

Dec. 19, 1980
[H.R. 3707]

For the relief of Joy Marsia Dehaney.

Joy Marsia Dehaney.
8 USC 1101 note.
8 USC 1101.
8 USC 1154.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Joy Marsia Dehaney may be classified as a child within the meaning of section 101(b)(1)(E) of the Act, upon approval of a petition filed in her behalf by Beryl Millicent Dehaney, a lawfully resident alien of the United States, pursuant to section 204 of the Act: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Approved December 19, 1980.

Private Law 96-97
96th Congress

An Act

For the relief of Michael Chinwen Ke.

Dec. 19, 1980
[H.R. 5745]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Michael Chinwen Ke may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in his behalf by Charles H. and Jean C. Ke citizens of the United States, pursuant to section 204 of the Act: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Michael Chinwen Ke.
8 USC 1101 note.
8 USC 1101.
8 USC 1154.

Approved December 19, 1980.

Private Law 96-98
96th Congress

An Act

For the relief of Elena Patricia Mattos.

Dec. 19, 1980
[H.R. 6030]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Elena Patricia Mattos may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Mr. and Mrs. Napoleon Mattos, a citizen of the United States, and a lawful resident alien, respectively, pursuant to section 204 of the Act: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Elena Patricia Mattos.
8 USC 1101 note.
8 USC 1101.
8 USC 1154.

Approved December 19, 1980.

Private Law 96-99
96th Congress

An Act

Dec. 19, 1980
[S. 1772]

For the relief of Min-Zen Lin.

Min-Zen Lin.
8 USC 1101 note.
8 USC 1101.
8 USC 1154.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, **That, in the administration of the Immigration and Nationality Act, Min-Zen Lin shall be classified as a child within the meaning of section 101(b)(1)(F) of such Act, upon approval of a petition filed on his behalf by Eyih Lin and Susan Tu Lin, husband and wife, citizens of the United States, pursuant to section 204 of such Act. No natural parent, brother, or sister, if any, of Min-Zen Lin shall, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.**

Approved December 19, 1980.

Private Law 96-100
96th Congress

An Act

Dec. 19, 1980
[S. 2849]

For the relief of Charles Jeffrey Greene.

Charles Jeffrey Greene.
8 USC 1182.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, **That, notwithstanding the provisions of section 212(a)(23) of the Immigration and Nationality Act, Mr. Charles Jeffrey Greene may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act: *Provided,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.**

Approved December 19, 1980.

Private Law 96-101
96th Congress

An Act

Dec. 22, 1980
[H.R. 6739]

To confer United States citizenship posthumously upon Leopoldine Marie Schmid.

Leopoldine M. Schmid.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, **That Leopoldine Marie Schmid, late of San Mateo, California, and formerly of Zurich, Switzerland, shall be held and considered to have been a citizen of the United States at the time of her death.**

Approved December 22, 1980.

Private Law 96-102
96th Congress

An Act

For the relief of Welita F. Sebastian.

Dec. 22, 1980
[H.R. 949]

Welita F. Sebastian.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Welita F. Sebastian may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Mr. and Mrs. Ernesto F. Sebastian, citizens of the United States, pursuant to section 204 of the Act: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege or status under the Immigration and Nationality Act.

8 USC 1101.

8 USC 1154.

Approved December 22, 1980.

Private Law 96-103
96th Congress

An Act

For the relief of Florette Ivoree Gayle and Keisha Dajaran Karr.

Dec. 22, 1980
[H.R. 2145]

Florette I. Gayle and Keisha D. Karr.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Florette Ivoree Gayle may be classified as a child within the meaning of section 101(b)(1)(F) of the Act (8 U.S.C. 1101(b)(1)(F)), upon approval of a petition filed in her behalf by Ellen Gayle, a citizen of the United States, pursuant to section 204 of the Act (8 U.S.C. 1154): *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Sec. 2. That, for the purposes of the Immigration and Nationality Act, Keisha Dajaran Karr shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee: *Provided,* That the natural father or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct one number from the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act, or, if applicable, from the total number of such visas and entries which are made available to such natives under section 202(e) of such Act.

8 USC 1153.

8 USC 1152.

Approved December 22, 1980.

Private Law 96-104
96th Congress

An Act

Dec. 22, 1980
[H.R. 2432]

For the relief of Ronald Regespi Doliente.

Ronald R. Doliente.

8 USC 1101.

8 USC 1154.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Ronald Regespi Doliente may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in his behalf by Mr. and Mrs. Robert Doliente, citizens of the United States, pursuant to section 204 of the Act: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Approved December 22, 1980.

Private Law 96-105
96th Congress

An Act

Dec. 22, 1980
[H.R. 2533]

For the relief of Mrs. Kerry Ann Wilson.

Kerry A. Wilson.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Mrs. Kerry Ann Wilson shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by one number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act.

8 USC 1153.

Approved December 22, 1980.

Private Law 96-106
96th Congress

An Act

Dec. 22, 1980
[H.R. 3396]

For the relief of George David Maxwell, doctor of medicine.

George D. Maxwell.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury shall pay, out of any money in the Treasury not otherwise appropriated, $23,500.00, to George David Maxwell, doctor of medicine, of Athens, Georgia, in full settlement of his claims against the United States for reimbursement of amounts which he paid pursuant to the malpractice claims settlement entered into by Doctor Maxwell and Sam Kielwein on December 5, 1978. Such malpractice claims arose from the operation Doctor Maxwell performed on Lizzie Ethel Kielwein, the spouse of Sam Kielwein, while Doctor Maxwell was an employee of the United States Navy.

SEC. 2. No part of the amount appropriated in the first section of this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved December 22, 1980.

Private Law 96-107
96th Congress

An Act

For the relief of Mahmud Ali Khan alias Fazal Dad.

Dec. 22, 1980
[H.R. 4032]

Mahmud Ali Khan.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Mahmud Ali Khan alias Fazal Dad may be classified as a child within the meaning of section 101(b)(1)(E) of the Act, upon approval of a petition filed in his behalf by Madame Bilquis Sheikh, lawful permanent resident of the United States, pursuant to section 204 of the Act: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

8 USC 1101.

8 USC 1154.

Approved December 22, 1980.

Private Law 96-108
96th Congress

An Act

For the relief of Simon Ifergan Meara.

Dec. 22, 1980
[H.R. 4793]

Simon I. Meara.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Simon Ifergan Meara may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in his behalf by Mr. and Mrs. Sam Meara, citizens of the United States, pursuant to section 204 of the Act: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

8 USC 1101.

8 USC 1154.

Approved December 22, 1980.

Private Law 96-109
96th Congress

An Act

Dec. 22, 1980
[H.R. 4966]

For the relief of the estate of Philip H. Ward.

Philip H. Ward.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury shall pay, out of any money in the Treasury not otherwise appropriated, the sum of $2,082.45 to the estate of Philip H. Ward in full settlement of its claims against the United States for expenses which Mr. Ward incurred in connection with his services as a referee in bankruptcy and for which Mr. Ward was not reimbursed by the United States under the fee system in effect at the time.

Sec. 2. No amount in excess of 10 per centum of the sum appropriated in the first section shall be paid to or received by any agent or attorney for services rendered in connection with this claim. Any person violating the provisions of this section shall be fined not more than $1,000.

Approved December 22, 1980.

Private Law 96-110
96th Congress

An Act

Dec. 22, 1980
[H.R. 5016]

For the relief of David Roland Weaver.

David R. Weaver.

8 USC 1101.

8 USC 1154.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, David Roland Weaver, may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in his behalf by Leonard and Joanne Weaver, citizens of the United States, pursuant to section 204 of the Act: *Provided*, That the natural parents, or brothers, or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Approved December 22, 1980.

Private Law 96-111
96th Congress

An Act

Dec. 22, 1980
[H.R. 6000]

For the relief of Campanella Construction Company, Incorporated.

Campanella Construction Co., Inc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Campanella Construction Company, Incorporated, is relieved of all liability to repay the United States the amount of $90,666 and, furthermore, that the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Campanella Construction Company, Incorporated, the sum of $10,960, in full satisfaction of its claims against the United States for work performed at the Old Bridge wastewater treatment facility under Department of the Army contract numbered DABT 35-76-C-0342.

Approved December 22, 1980.

Private Law 96-112
96th Congress

An Act

For the relief of William H. Koss.

Dec. 22, 1980
[H.R. 6011]

William H. Koss.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay to William H. Koss, out of money in the Treasury not otherwise appropriated, real estate transaction expenses incurred in connection with the sale of his former residence in Colorado Springs, Colorado, and the purchase of a new residence in Charleston, South Carolina, as authorized by Travel Order Numbered AC-28 issued March 4, 1972, and as determined by the Department of the Air Force in accordance with section 5724a(a)(4) of title 5, United States Code, and implementing regulations, notwithstanding that the sale and purchase, respectively, were transacted incident to his permanent change of station from Cam Ranh Bay, Vietnam, to Charleston, South Carolina.

Sec. 2. No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim. Any person violating this section shall be fined not more than $1,000.

Approved December 22, 1980.

Private Law 96-113
96th Congress

An Act

For the relief of Woo Jung He.

Dec. 22, 1980
[H.R. 6044]

Woo Jung He.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of the Immigration and Nationality Act, Woo Jung He may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Philip and Patricia Covello citizens of the United States, pursuant to section 204 of the Act: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

8 USC 1101.

8 USC 1154.

Approved December 22, 1980.

Private Law 96-114
96th Congress

An Act

Dec. 22, 1980
[H.R. 6069]

For the relief of I Wen Wang Chen.

I Wen Wang Chen.

8 USC 1101.

8 USC 1154.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, I Wen Wang Chen may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Chao-Ming Chen and An-Mei Wang Chen, citizens of the United States, pursuant to section 204 of the Act: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Approved December 22, 1980.

Private Law 96-115
96th Congress

An Act

Dec. 22, 1980
[H.R. 6836]

For the relief of James A. Schultz.

James A. Schultz.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That James A. Schultz, of Peoria, Illinois, is relieved of liability to the United States in the amount of $4,958.37, which represents the amount that Mr. Schultz is indebted to the Department of Agriculture for overpayments for travel and relocation expenses arising from his employment transfer to the United States Forest Service, Milwaukee, Wisconsin, on July 15, 1978. Mr. Schultz was erroneously informed by agents of the Federal Government that he was entitled to reimbursement of all travel and relocation expenses he incurred with respect to such transfer.

SEC. 2. The Secretary of the Treasury shall pay, out of any money in the Treasury not otherwise appropriated, to Mr. Schultz, $921.74, in full settlement of his claims against the United States for payments he has made to reimburse the Department of Agriculture for travel and relocation expenses which it erroneously paid to him with respect to the transfer referred to in the first section of this Act.

SEC. 3. No part of the amount appropriated by section 2 of this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved December 22, 1980.

Private Law 96-116
96th Congress

An Act

For the relief of the Woodstock Daily Sentinel.

Dec. 22, 1980
[H.R. 7175]

Woodstock Daily Sentinel.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of sections 501 and 504, title 44, United States Code, the Secretary of the Treasury is hereby authorized and directed to pay out of any money in the Treasury not otherwise appropriated the sum of $1,372.08 to the Woodstock Daily Sentinel, of Woodstock, Illinois. This payment shall be in full and complete settlement of all claims against the United States, based upon the unreimbursed printing services provided by the claimant to the United States Army 12th Special Forces Group, of Arlington Heights, Illinois in 1978.

SEC. 2. No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved December 22, 1980.

Private Law 96-117
96th Congress

An Act

For the relief of Maria Elena Foley and Caritina Ann Foley.

Dec. 22, 1980
[S. 120]

Maria E. and Caritina A. Foley.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Maria Elena Foley and Caritina Ann Foley shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by the required numbers, during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries which are made available to natives of the country of the aliens' birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act. 8 USC 1153.

Approved December 22, 1980.

Private Law 96-118
96th Congress

An Act

Dec. 22, 1980
[S. 327]

For the relief of Shavji Purshottam Dusara, his wife, Vasanti Shavji Dusara, and their child, Shreedhar Dusara.

Shavji Purshottam Dusara and others.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Shavji Purshottam Dusara, his wife, Vasanti Shavji Dusara, and their child, Shreedhar Dusara, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by the required numbers, during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries which are made available to natives of the country of the aliens' birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act. 8 USC 1153.

Approved December 22, 1980.

Private Law 96-119
96th Congress

An Act

Dec. 22, 1980
[S. 1227]

For the relief of Munir P. Benjenk.

Munir P. Benjenk.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Munir P. Benjenk shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct one number from the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, from the total number of such visas and entries which are made available to such natives under section 202(e) of such Act.

8 USC 1153.
8 USC 1152.

Approved December 22, 1980.

Private Law 96-120
96th Congress

An Act

For the relief of Lynn Rufus Pereira.

Dec. 22, 1980
[S. 1374]

Lynn R. Pereira.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Lynn Rufus Pereira shall be classified as a child within the meaning of section 101(b)(1)(F) of such Act, upon approval of a petition filed on his behalf by Mr. and Mrs. James Kenneth Crews, citizens of the United States, pursuant to section 204 of such Act. No natural parent, brother, or sister, if any, of Lynn Rufus Pereira shall, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

8 USC 1101.

8 USC 1154.

Approved December 22, 1980.

Private Law 96-121
96th Congress

An Act

For the relief of Francisco Pang.

Dec. 22, 1980
[S. 1624]

Francisco Pang.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of the Immigration and Nationality Act the provisions of section 312 of that Act shall be inapplicable in the case of Francisco Pang and he may be naturalized upon compliance with all the requirements of the naturalization laws except that no prior residence or specified period of physical presence within the United States or within the jurisdiction of the naturalization court or proof thereof shall be required.

8 USC 1423.

Approved December 22, 1980.

Private Law 96-122
96th Congress

An Act

For the relief of Ana Marlene Orantes.

Dec. 22, 1980
[S. 1847]

Ana M. Orantes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Ana Marlene Orantes may be classified as a child within the meaning of section 101(b)(1)(F) of such Act upon approval of a petition filed on her behalf by Mr. and Mrs. Robert I. Jump, citizens of the United States, pursuant to section 204 of such Act. The parents, brothers, and sisters

8 USC 1101.

8 USC 1154.

of the said Ana Marlene Orantes shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Approved December 22, 1980.

Private Law 96-123
96th Congress

An Act

Dec. 22, 1980
[S. 2027]

For the relief of James Daniel Bronson.

James D. Bronson.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any numerical limitation, imposed by the Immigration and Nationality Act, in the administration of such Act, for purposes of such Act, James Daniel Bronson shall be issued a visa and lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by the required number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203(a) of such Act or, if applicable, the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under section 202 of the Act.

8 USC 1153.

8 USC 1152.

Approved December 22, 1980.

CONCURRENT RESOLUTIONS

SECOND SESSION, NINETY-SIXTH CONGRESS

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JOINT MEETING

Jan. 22, 1980
[H. Con. Res. 241]

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Wednesday, January 23, 1980, at 9 o'clock postmeridiem, for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

Communications from President.

Agreed to January 22, 1980.

PRODUCTS OF THE PEOPLE'S REPUBLIC OF CHINA—NONDISCRIMINATORY TREATMENT

Jan. 24, 1980
[H. Con. Res. 204]

Resolved by the House of Representatives (the Senate concurring), That the Congress approves the extension of nondiscriminatory treatment with respect to the products of the People's Republic of China transmitted by the President to the Congress on October 23, 1979.

Agreed to January 24, 1980.

NATIONAL BASKETBALL ASSOCIATION ALL-STAR GAME—OFFICIAL WELCOME

Jan. 29, 1980
[H. Con. Res. 260]

Whereas the National Basketball Association All-Star Game brings together the very best professional basketball players in the Nation for forty-eight minutes of intense competition and sterling athletic achievement; and

Whereas the annual All-Star Game is one of the highlights of the National Basketball Association season and a major sports event of the year; and

Whereas the game annually is played on the home court of one of the National Basketball Association member teams and is a sought-after event by the teams and the cities they represent; and

Whereas the Washington Bullets, who play their home games at Capital Centre in Largo, Maryland, are the host team for the 1980 National Basketball Association All-Star Game, to be played on Sunday afternoon, February 3; and

Whereas this is the first time the Washington metropolitan area has had the distinction of being the site of this important national basketball event; and

Whereas the weekend of the All-Star Game has been declared National Basketball Association All-Star Weekend in the National Capital Area, in recognition of the area's role in this year's All-Star competition: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That, the Congress officially welcomes to the Washington metropolitan area the National Basketball Association, the 1980 All-Stars and all those associated with the All-Star contest and expresses its hope that the thirtieth annual All-Star Game will be the most exciting and successful in the history of the event.

Agreed to January 29, 1980.

Feb. 7, 1980
[H. Con. Res. 276]

ADJOURNMENT—HOUSE OF REPRESENTATIVES

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Wednesday, February 13, 1980, it stand adjourned until 12 o'clock meridian on Tuesday, February 19, 1980.

Agreed to February 7, 1980.

Feb. 13, 1980
[S. Con. Res. 75]

CORRECTIONS IN ENROLLED BILL S.J. RES. 108

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate, in the enrollment of Senate Joint Resolution 108 to validate the effectiveness of certain plans for the use or distribution of funds appropriated to pay judgments awarded to Indian tribes or groups, shall make the following correction:

Strike out the following matter contained in the first section of the joint resolution:

"Caddo	ICC 226
"Goshute	ICC 326–B and J
"Nisqually	ICC 197
"Potawatomi, Prairie Band	ICC 15–K, 29–J, 217, 15–M, 29–K and 146.".

and insert in lieu thereof the following:

"Caddo	ICC 226	September 17, 1979.
"Goshute	ICC 326–B and J	October 19, 1979.
"Nisqually	ICC 197	October 31, 1979.
"Potawatomi, Prairie Band	ICC 15–K, 29–J, 217, 15–M, 29–K and 146.	September 7, 1979.".

Agreed to February 13, 1980.

Feb. 19, 1980
[H. Con. Res. 272]

ANDREI SAKHAROV—U.S. SUPPORT FOR RELEASE FROM INTERNAL EXILE IN U.S.S.R.

Whereas the Final Act of the Conference on Security and Cooperation in Europe commits the signatory countries to respect human rights and fundamental freedoms;

Whereas the signatory countries have pledged themselves to "fulfill in good faith their obligations under international law";

Whereas the Universal Declaration of Human Rights guarantees to all the rights of freedom of thought, conscience, religion, opinion, and expression;

Whereas the International Covenant on Civil and Political Rights guarantees that everyone shall have the right to freedom of thought, conscience, and religion, the right to hold opinions without interference, and the right to freedom of expression;

Whereas the Soviet Union signed the Final Act of the Conference on Cooperation and Security in Europe, is a party to the Universal Declaration of Human Rights, and has ratified the International Covenant on Civil and Political Rights;

Whereas Principle VII of the Final Act specifically confirms the "right of the individual to know and act upon his rights and duties" in the field of human rights and Principle IX confirms the relevant and positive role individuals play in the implementation of the provisions of the Final Act;

Whereas the invasion and occupation of Afghanistan by armed forces from the Soviet Union is a direct violation of the Declaration of Principles Guiding Relations between States of the Helsinki Final Act, including the commitments to refrain from the threat or use of force, to respect equal rights and self-determination of peoples, to observe the purposes and principles of the Charter of the United Nations, to fulfill in good faith obligations arising from generally recognized principles and rules of international law;

Whereas Nobel Laureate Andrei Sakharov, leader of the human rights movement in the Union of Soviet Socialist Republics, condemned the Soviet intervention in Afghanistan, calling it a "threat to the entire world" and demanded the withdrawal of Soviet troops;

Whereas Doctor Sakharov was subsequently arrested and exiled to the city of Gorky in direct contravention of Principle VII of the Helsinki Final Act, the Universal Declaration of Human Rights, and the International Covenant on Civil and Political Rights;

Whereas all freedom-loving peoples should condemn the recent actions of the Soviet Union in denouncing and internally exiling Doctor Sakharov; and

Whereas the continued repression of religious believers, scientists, writers, intellectuals, human rights activists, and Helsinki Monitors, including Scharansky, Orlov, Rudenko, Tykhy, Petkus, and many others, is an egregious violation of both Principle VII and Basket Three of the Helsinki Final Act: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that, in accordance with the Final Act of the Conference on Security and Cooperation in Europe, the Universal Declaration of Human Rights, and the International Covenant on Civil and Political Rights, the Union of Soviet Socialist Republics should release Andrei Sakharov from internal exile immediately.

SEC. 2. The Congress urges the President—

(1) to protest, in the strongest possible terms and at the highest levels, the exile of Andrei Sakharov and the continued suppression of human rights in the Soviet Union;

(2) to call upon all other signatory nations of the Helsinki Final Act to join in such protests and to take actions against the Soviet Union, including refusal to participate in the 1980 summer Olympics in Moscow, suspension of appropriate trade, economic, and commercial activities with the Soviet Union, and other such sanctions as may be available to them; and

(3) to inform immediately the governments of all other signatory nations of the Helsinki Final Act that the United States delegation to the 1980 Conference on Security and Cooperation in Europe review meeting intends to raise at that meeting these specific violations of the Helsinki Final Act, including the individual cases of Andrei Sakharov and the Soviet Helsinki Monitors.

SEC. 3. The Clerk of the House of Representatives shall transmit copies of this resolution to the Soviet Ambassador to the United States and to the Chairman of the Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics.

Agreed to February 19, 1980.

Feb. 26, 1980
[S. Con. Res. 72]

KHMER REFUGEES—U.N. HUMANITARIAN ASSISTANCE

Whereas the Government of the Kingdom of Thailand has demonstrated to the world its humanitarian convictions by opening its borders and providing asylum and assistance to the Khmer people who have been victims of war, famine, and oppression in Kampuchea;

Whereas the international community owes a great debt of gratitude to the Government of the Kingdom of Thailand for its compassionate actions on behalf of the Khmer people;

Whereas hundreds of thousands of Khmer have fled their homes in Kampuchea seeking security, food, and medical assistance;

Whereas many of these refugees have settled temporarily in encampments along the border between Thailand and Kampuchea where food, water, and medical care have been made available to them;

Whereas the security of the refugees in these encampments is continually threatened because of the unrest and the lack of an international presence in that border area;

Whereas armed conflict within these encampments has forced many refugees, often in fragile physical condition, to flee in fear for their physical safety;

Whereas food which is being provided by international organizations for humanitarian relief to refugees in these encampments may not be reaching those with the greatest need because of a lack of supervision of its distribution;

Whereas the Government of the Kingdom of Thailand has requested the United Nations to provide international observers in the area of the border between Thailand and Kampuchea, but no action has been taken; and

Whereas the international community, acting through the United Nations, has an obligation to provide such assistance to the Government of the Kingdom of Thailand as may be necessary in support of its efforts on behalf of the Khmer people: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the President, acting through the Permanent Representative of the United States to the United Nations, should request the United Nations to establish under its auspices an international presence in the encampments of Khmer refugees along the border between the Kingdom of Thailand and Kampuchea for the purposes of—

(1) promoting security and stability for the refugees in encampments along the border between Thailand and Kampuchea;

(2) overseeing the distribution of food and water to insure that they are equitably distributed to those refugees for whom they are intended;

(3) demonstrating that the assistance which is being provided to refugees in such encampments by the United Nations and other international agencies is solely for humanitarian purposes; and

(4) encouraging all nations in the region to respect the use of the border area between Thailand and Kampuchea as a sanctuary for those Khmer who are in need of humanitarian assistance.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

Agreed to February 26, 1980.

"HANDBOOK FOR SMALL BUSINESS"

Mar. 10, 1980
[S. Con. Res. 45]

Printing as Senate document; additional copies.

Resolved by the Senate (the House of Representatives concurring), **That a revised edition of Senate Document Numbered 91-45, entitled "Handbook for Small Business", explaining programs of Federal departments, agencies, offices, and commissions of benefit to small business and operating pursuant to various statutes enacted by the Congress, shall be printed with illustrations as a Senate document; and that there shall be printed six thousand additional copies of such document, which shall be for the use of the Senate Select Committee on Small Business.**

Agreed to March 10, 1980.

"SYNTHETIC FUELS"

Mar. 10, 1980
[S. Con. Res. 56]

Printing of copies.

Resolved by the Senate (the House of Representatives concurring), **That there shall be reprinted for the use of the Senate Committee on the Budget three thousand five hundred copies of its committee print of the Ninety-sixth Congress, first session, entitled "Synthetic Fuels", a report to the full committee by the Subcommittee on Synthetic Fuels.**

Agreed to March 10, 1980.

NATIONAL DAY OF PRAYER FOR AMERICANS HELD HOSTAGE IN IRAN

Mar. 17, 1980
[S. Con. Res. 79]

Whereas the plight of the Americans held hostage at the American Embassy in Tehran, Iran, is a deep concern of our entire Nation;
Whereas in response to the unconscionable attack on our diplomatic personnel we as a Nation reaffirm our fundamental commitment to world peace and to the right of all people to enjoy basic human freedoms;
Whereas we as a Nation remain steadfast in our commitment to the safe release of our fellow citizens; and
Whereas we as a Nation stand in constant vigil with our fellow citizens held hostage in Iran: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), **That, because the hostages being held in the American Embassy in Tehran, Iran, were not released as of February 25, 1980, the date, March 18, 1980, shall be considered a national day of prayer, meditation, and unity for our fellow Americans, and the American people are urged to express their support for the hostages with appropriate thoughts and actions on such a day.**

Agreed to March 17, 1980.

Mar. 18, 1980
[H. Con. Res. 282]

TUNISIA—U.S. ECONOMIC AND SECURITY ASSISTANCE

Whereas Tunisia has demonstrated its desire to foster and maintain close and friendly relations with the United States;

22 USC 2151 note.

Whereas Tunisia under President Bourguiba has achieved impressive progress in economic growth and has sought to achieve, consistent with the policy of the Foreign Assistance Act of 1961, self-sustaining economic growth with equitable distribution of benefits for its people;

Whereas Tunisia, despite its policy of pursuing amicable relations with its neighbors, is now the victim of foreign subversion and possible aggression; and

Whereas Tunisia merits and needs the support of its friends and allies in facing this threat to its independence and territorial integrity: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that recent foreign-inspired attempts to undermine the stability of Tunisia constitute a serious threat to international peace and security and to the national security interests of the United States, of the nations of the North Atlantic Treaty Organization, and of all nations in the Mediterranean area.

SEC. 2. It is further the sense of the Congress that the United States should take steps to help Tunisia meet this unprovoked threat to its freedom and security by furnishing appropriate levels of economic and security assistance.

Agreed to March 18, 1980.

Mar. 28, 1980
[H. Con. Res. 309]

CORRECTIONS IN ENROLLED BILL H.R. 4986

Ante, p. 132.

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H.R. 4986), to amend the Federal Reserve Act to authorize the automatic transfer of funds, to authorize negotiable order-of-withdrawal accounts at depository institutions, to authorize federally chartered savings and loan associations to establish remote service units, and to authorize federally insured credit unions to maintain share draft accounts, and for other purposes, the Clerk of the House of Representatives shall make the following corrections:

In proposed section 19(b)(8)(D)(i) of the Federal Reserve Act (as contained in section 103 of the bill), insert "of 1980" after "Control Act".

In proposed section 19(b)(8)(D)(ii) of the Federal Reserve Act (as contained in section 103 of the bill), insert "of 1980" after "Control Act".

In section 207(b)(11) of the bill, strike out "this Act" and insert in lieu thereof "the Depository Institutions Deregulation and Monetary Control Act of 1980".

In section 207(b)(12) of the bill, insert "of 1980" after "Control Act".

In the proposed amendment to section 5(i) of the Home Owners' Loan Act of 1933 (as contained in section 404 of the bill), insert "of 1980" after "Control Act".

In section 409 of the bill, strike out "therefor".

In proposed section 111(a)(1) of the Truth in Lending Act (as contained in section 609 of the bill) strike out "such" after "the Board shall determine whether".

In section 610(b) of the bill, (1) strike out "Section 18(f)(5)" and insert in lieu thereof "Section 18(f)(6)", and (2) strike out "(15 U.S.C. 57a(f)(5))" and insert in lieu thereof "(15 U.S.C. 57a(f)(6))".

Amend the title so as to read: "An Act to facilitate the implementation of monetary policy, to provide for the gradual elimination of all limitations on the rates of interest which are payable on deposits and accounts, and to authorize interest-bearing transaction accounts, and for other purposes.".

Agreed to March 28, 1980.

STATUE OF MOTHER JOSEPH OF THE SISTERS OF PROVIDENCE

Apr. 1, 1980
[S. Con. Res. 48]

Resolved by the Senate (the House of Representatives concurring), **That the statue of Mother Joseph of the Sisters of Providence, presented by the State of Washington for the National Statuary Hall collection in accordance with the provisions of section 1814 of the Revised Statutes (40 U.S.C. 187), is accepted in the name of the United States, and the thanks of the Congress are tendered to the State of Washington for the contribution of the statue of one of its most eminent personages, illustrious for her distinguished humanitarian services.**

Sec. 2. The State of Washington is authorized to place temporarily in the rotunda of the Capitol the statue of Mother Joseph of the Sisters of Providence referred to in the first section of this concurrent resolution, and to hold ceremonies on May 1, 1980, in the rotunda on that occasion. The Architect of the Capitol is authorized to make the necessary arrangements therefor.

Presentation proceedings, printing as Senate document.

Sec. 3. (a) The proceedings in the rotunda of the Capitol at the presentation by the State of Washington of the statue of Mother Joseph of the Sisters of Providence for the National Statuary Hall collection, together with appropriate illustrations and other pertinent matter, shall be printed as a Senate document. The copy for such document shall be prepared under the direction of the Joint Committee on Printing.

Additional copies.

(b) There shall be printed five thousand additional copies of such document which shall be bound in such style as the Joint Committee on Printing shall direct, of which one hundred and three copies shall be for the use of the Senate and eighteen hundred and ninety-seven copies shall be for the use of the Members of the Senate from the State of Washington, and four hundred and forty-three copies shall be for the use of the House of Representatives, and two thousand five hundred and fifty-seven copies shall be for the use of the Members of the House of Representatives from the State of Washington.

Sec. 4. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the Governor of Washington.

Agreed to April 1, 1980.

Apr. 1, 1980
[S. Con. Res. 84]

JOINT COMMITTEE FOR INAUGURAL ARRANGEMENTS, 1981

Resolved by the Senate (the House of Representatives concurring), That a Joint Congressional Committee on Inaugural Ceremonies consisting of three Senators and three Representatives, to be appointed by the President of the Senate and the Speaker of the House of Representatives, respectively, is authorized to make the necessary arrangements for the inauguration of the President-elect and Vice President-elect of the United States on the 20th day of January 1981.

Agreed to April 1, 1980.

Apr. 1, 1980
[H. Con. Res. 312]

ADJOURNMENT—HOUSE OF REPRESENTATIVES AND SENATE

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Wednesday, April 2, 1980, it stand adjourned until 12 o'clock meridian on Tuesday, April 15, 1980, and that when the Senate recesses on Thursday, April 3, 1980, it stand in recess until 11:00 a.m. on Tuesday, April 15, 1980.

Agreed to April 1, 1980.

Apr. 15, 1980
[H. Con. Res. 162]

INDIAN CLAIMS COMMISSION—FINAL REPORT

Printing as House document.

Resolved by the House of Representatives (the Senate concurring), That the final report of the Indian Claims Commission be printed as a House document with suitable binding.

Additional copies.

SEC. 2. In addition to the usual number, there shall be printed five hundred copies of such document for the use of the Committee on Interior and Insular Affairs.

Agreed to April 15, 1980.

Apr. 15, 1980
[H. Con. Res. 233]

ANTHOLOGY OF CAPTIVE NATIONS WEEK MATERIAL

Printing as House document; additional copies.

73 Stat. 212.

Resolved by the House of Representatives (the Senate concurring), That in commemoration of the twentieth observance and anniversary of the congressional Captive Nations Week resolution, which in July 1959 was signed by President Dwight D. Eisenhower into Public Law 86-90, there be printed as a House document an anthology of Captive Nations Week proclamations, addresses, and other relevant material published during the two commemorative events; and that nine thousand nine hundred and ninety-nine additional copies shall be printed, of which seven thousand five hundred shall be for the use of

the House of Representatives, and two thousand four hundred and ninety-nine shall be for the use of the Senate.

Sec. 2. Copies of such document shall be prorated to Members of the House of Representatives and Senate for a period of sixty days, after which the unused balance shall revert to the respective House and Senate document rooms.

Agreed to April 15, 1980.

"FEDERAL ELECTION CAMPAIGN LAWS RELATING TO THE U.S. HOUSE OF REPRESENTATIVES"

Apr. 15, 1980
[H. Con. Res. 283]

Resolved by the House of Representatives (the Senate concurring), **That there shall be printed as a House document, "Federal Election Campaign Laws Relating to the United States House of Representatives", revised under the direction of the Committee on House Administration.**

Printing as House document.

Sec. 2. In addition to the usual number of copies, there shall be printed twenty thousand copies, of which five thousand shall be for the use of the Committee on House Administration and the remaining fifteen thousand for distribution to candidates for the House of Representatives and for political committees supporting them.

Additional copies.

Agreed to April 15, 1980.

DON LUIS MUNOZ MARIN—EXPRESSIONS OF GRATITUDE AND SYMPATHY

May 1, 1980
[H. Con. Res. 324]

Whereas Don Luis Munoz Marin was one of Puerto Rico's most distinguished political figures in its entire history; and

Whereas Don Luis Munoz Marin was born on February 18, 1898; and

Whereas Don Luis Munoz Marin was the creator of one of Puerto Rico's most important political parties, the Popular Democratic Party; and

Whereas Don Luis Munoz Marin's political activities helped inculcate an allegiance to the Democratic form of government in Puerto Rico; and

Whereas Don Luis Munoz Marin was elected to the Senate of Puerto Rico in 1940 and reelected to that position in 1944 and served as President of the Puerto Rican Senate until 1948; and

Whereas Don Luis Munoz Marin was elected the first Governor of the Territory of Puerto Rico in 1948; and

Whereas Don Luis Munoz Marin was the founder of the present Commonwealth of Puerto Rico in 1952 which established Puerto Rico's right to self-determination; and

Whereas Don Luis Munoz Marin was one of the chief authors of the remarkable and successful economic development program Operation Bootstrap which transformed Puerto Rico's impoverished, stagnant agricultural economy with one of Latin America's lowest per capita incomes into a dynamic and industrially based economy which now has one of Latin America's highest per capita incomes; and

Whereas the Congress has learned today of the death of this great man: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress formally expresses its deepest gratitude for the untiring efforts of the late Don Luis Munoz Marin to foster ties between Puerto Rico and the United States as well as its deepest sympathy to his family and the people of Puerto Rico upon his death.

Agreed to May 1, 1980.

May 9, 1980
[H. Con. Res. 279]

"OUR AMERICAN GOVERNMENT"

Resolved by the House of Representatives (the Senate concurring), That there be printed as a House document a revised edition of "Our American Government", revised under the direction of the Committee on House Administration.

Printing as House document.

SEC. 2. In addition to the usual number of copies, there shall be printed five hundred and fifty-six thousand additional copies, of which four hundred and fifty-three thousand copies shall be for the use of the House of Representatives, and one hundred and three thousand copies shall be for the use of the Senate.

Additional copies.

Agreed to May 9, 1980.

May 13, 1980
[H. Con. Res. 330]

NATIONAL SYMPHONY ORCHESTRA CONCERTS ON THE CAPITOL GROUNDS, 1980

Whereas the National Symphony Orchestra has expressed a desire to perform free concerts on the United States Capitol Grounds for the entertainment of the citizenry of our Nation; and

Whereas these performances would be similar to those presently given by the service bands under authority of 40 U.S.C. 1391: Now, therefore, be it

40 USC 193*l*.

Resolved by the House of Representatives (the Senate concurring), That the National Park Service shall be permitted to sponsor a series of four National Symphony Orchestra concerts on the Capitol Grounds during 1980, such concerts to be free to the public and arranged not to interfere with the needs of Congress, under conditions to be provided by the Architect of the Capitol.

Agreed to May 13, 1980.

EDUCATION APPEAL BOARD—DISAPPROVAL OF REGULATIONS

May 15, 1980
[H. Con. Res. 318]

Whereas the Commissioner of Education on April 3, 1980, submitted to the President of the Senate and the Speaker of the House of Representatives final regulations pertaining to the Education Appeal Board authorized under section 451 of the General Education Provisions Act, pursuant to the Commissioner's duty under section 431 of the General Education Provisions Act, and 20 USC 1234. 20 USC 1232.

Whereas the Congress, in the exercise of its authority under article I of the Constitution and in accordance with the procedure established by that section of the General Education Provisions Act for the safeguarding of that authority, has reviewed such regulations and finds certain of them inconsistent with the Act from which they must derive authority: Now, therefore, be it USC prec. title 1. 20 USC 1221.

Resolved by the House of Representatives (the Senate concurring), That, the final regulations submitted to the Congress on April 3, 1980, pertaining to the Education Appeal Board authorized under section 451 of the General Education Provisions Act, are disapproved by the Congress on the grounds of their inconsistency with the Act from which they derive their authority, and are returned to the Commissioner of Education to be modified or otherwise disposed of as provided in section 431(e) of the General Education Provisions Act.

Agreed to May 15, 1980.

ARTS IN EDUCATION PROGRAM—DISAPPROVAL OF REGULATIONS

May 15, 1980
[H. Con. Res. 319]

Whereas the Commissioner of Education on April 3, 1980, submitted to the President of the Senate and the Speaker of the House of Representatives final regulations pertaining to the arts in education program authorized under sections 321, 322, and 323 of the Elementary and Secondary Education Act of 1965, pursuant to the Commissioner's duty under section 431 of the General Education Provisions Act, and 20 USC 2961-2963. 20 USC 1232.

Whereas the Congress, in the exercise of its authority under article I of the Constitution and in accordance with the procedure established by that section of the General Education Provisions Act for the safeguarding of that authority, has reviewed such regulations and finds certain of them inconsistent with the Act from which they must derive their authority: Now, therefore, be it USC prec. title 1. 20 USC 1221.

Resolved by the House of Representatives (the Senate concurring), That the final regulations submitted to the Congress on April 3, 1980, pertaining to the arts in education program authorized under sections 321, 322, and 323 of the Elementary and Secondary Education Act of 1965, are disapproved by the Congress on the grounds of their inconsistency with the Act from which they derive their authority, and are returned to the Commissioner of Education to be modified or otherwise disposed of as provided in section 431(e) of the General Education Provisions Act.

Agreed to May 15, 1980.

May 20, 1980
[H. Con. Res. 332]

LAW-RELATED EDUCATION PROGRAM—DISAPPROVAL OF REGULATIONS

20 USC 3001-3003.
20 USC 1232.
USC prec. title 1.
20 USC 1221.

Whereas the Commissioner of Education on April 24, 1980, submitted to the President of the Senate and the Speaker of the House of Representatives final regulations pertaining to the law-related education program authorized under sections 346, 347, and 348 of the Elementary and Secondary Education Act of 1965, pursuant to the Commissioner's duty under section 431 of the General Education Provisions Act, and

Whereas the Congress, in the exercise of its authority under Article I of the Constitution and in accordance with the procedure established by that section of the General Education Provisions Act for the safeguarding of that authority, has reviewed such regulations and finds certain of them inconsistent with the Act from which they must derive their authority: Now, therefore, be it

***Resolved by the House of Representatives (the Senate concurring),* That the final regulations submitted to the Congress on April 24, 1980, pertaining to the law-related education program authorized under sections 346, 347, and 348 of the Elementary and Secondary Education Act of 1965, are disapproved by the Congress on the grounds of their inconsistency with the Act from which they derive their authority, and are returned to the Commissioner of Education to be modified or otherwise disposed of as provided in section 431(e) of the General Education Provisions Act.**

Agreed to May 20, 1980.

May 21, 1980
[H. Con. Res. 340]

CORRECTIONS IN ENROLLED BILL H.R. 2313

Ante, p. 374.

***Resolved by the House of Representatives (the Senate concurring),* That, in the enrollment of the bill (H.R. 2313) to amend the Federal Trade Commission Act to extend the authorization of appropriations contained in such Act, and for other purposes, the Clerk of the House of Representatives shall make the following corrections:**

(1) In Section 6(f) of the Federal Trade Commission Act, as proposed to be amended by section 3(a)(2) of the bill, insert a comma after *"Provided"*.

(2) In the last sentence of the undesignated paragraph at the end of section 6 of the Federal Trade Commission Act, as proposed to be added by section 4 of the bill, strike out "Improvement" and insert in lieu thereof "Improvements".

(3) In the first sentence of section 21(b)(3)(B) of the Federal Trade Commission Act, as proposed to be added by section 14 of the bill, strike out "officer" the first place it appears therein and insert in lieu thereof "official".

(4) In the first sentence of section 21(b)(6) of the Federal Trade Commission Act, as proposed to be added by section 14 of the bill, insert "any" before "such agency".

Agreed to May 21, 1980.

GRANTS TO STATE EDUCATIONAL AGENCIES—DISAPPROVAL OF REGULATIONS

May 21, 1980

[S. Con. Res. 91]

Resolved by the Senate (the House of Representatives concurring), **That the final regulations submitted to the Congress in 1980 pertaining to grants to State educational agencies for educational improvement, resources, and support authorized under title IV of the Elementary and Secondary Education Act of 1965, are disapproved by the Congress pursuant to the provisions of section 431(d) of the General Education Provisions Act on the grounds that the regulations are inconsistent with the laws and are returned to the Commissioner of Education to be modified or otherwise disposed of as provided in section 431(e) of the General Education Provisions Act.**

20 USC 3081.

20 USC 1232.

Agreed to May 21, 1980.

ADJOURNMENT—HOUSE OF REPRESENTATIVES AND SENATE

May 22, 1980

[H. Con. Res. 342]

Resolved by the House of Representatives (the Senate concurring), **That when the House adjourns on Thursday, May 22, 1980, it stand adjourned until 3 o'clock post meridiem on Wednesday, May 28, 1980, and that when the Senate recesses on Thursday, May 22, 1980, it stand in recess until 11 o'clock ante meridiem on Wednesday, May 28, 1980.**

Agreed to May 22, 1980.

CORRECTIONS IN ENROLLED BILL S. 2253

May 22, 1980

[H. Con. Res. 345]

Resolved by the House of Representatives (the Senate concurring), **That in the enrollment of the bill (S. 2253) to provide for an extension of directed service on the Rock Island Railroad, to provide transaction assistance to the purchasers of portions of such railroad, and to provide arrangements for protection of the employees, the Secretary of the Senate shall make the following corrections:**

Ante, p. 399.

(1) In section 102 of the bill, strike out "(a)".

(2) In section 103(4) of the bill, strike out "any individual after" and all that follows through "such lines, or".

(3) In section 104(a)(2) of the bill, strike out the comma after "rehabilitating".

(4) In section 104(b)(1) of the bill, insert "and section 18(b) of the Milwaukee Railroad Restructuring Act" immediately before the period.

(5) In section 104(c) of the bill, insert "on or after March 15, 1980," immediately after "which are in effect".

(6) In section 104(c) of the bill, strike out "other railroads" each place it appears and insert in lieu thereof "other rail carriers".

(7) In section 106(a) of the bill, insert a comma after "such railroad" the first place it appears.

(8) In section 108(c) of the bill, strike out "status" and insert in lieu thereto ", status," and strike out "a claim or claims, if any for" and insert in lieu thereof "any claim for,".

(9) In proposed section 505(h)(3) of the Railroad Revitalization and Regulatory Reform Act of 1976, as added by section 112 of the bill, strike out subparagraph (B) and redesignate subparagraph (C) as subparagraph (B).

(10) In section 115 of the bill, insert a comma after "108".

(11) In section 116 of the bill, strike out "(a)" after "Sec. 116.".

(12) In section 116 of the bill, strike out subsection (b).

(13) In section 117 of the bill, strike out "Federal Railroad Administration shall have the authority" and insert in lieu thereof "Secretary may".

(14) In section 120(a) of the bill, strike out "commission" and insert in lieu thereof "Commission".

(15) In proposed section 703(3)(B)(i) of the Railroad Revitalization and Regulatory Reform Act of 1976, as added by section 203 of the bill, strike out "Department of Transportation" and insert in lieu thereof "Secretary".

(16) In proposed section 703(3)(B) of the Railroad Revitalization and Regulatory Reform Act of 1976, as added by section 203 of the bill, insert quotation marks before "(iii)".

(17) In section 205 of the bill, strike out "(a)" after "Sec. 205.".

(18) In proposed section 701(d)(2) of the Railroad Revitalization and Regulatory Reform Act of 1976, as added by section 205 of the bill, strike out "subsection (a) of this section" and insert in lieu thereof "paragraph (1) of this subsection".

(19) In the section heading for proposed section 1001 of the Rail Passenger Service Act, as added by section 212 of the bill, strike out the colon after "Sec. 1001".

(20) In proposed section 1001(b)(2) of the Rail Passenger Service Act, as added by section 212 of the bill, strike out "fatcors" and insert in lieu thereof "factors".

(21) In the section heading for proposed section 1006 of the Rail Passenger Service Act, as added by section 212 of the bill, insert a period after "RESTRICTIONS".

(22) In proposed section 1008 of the Rail Passenger Service Act, as added by section 212 of the bill, strike out "benefits" and insert in lieu thereof "benefit" and strike out "sections 1002 and 1003" and insert in lieu thereof "section 1002".

(23) In proposed section 402(h) of the Rail Passenger Service Act, as added by section 216 of the bill, strike out "railroad" and insert in lieu thereof "rail carrier" and strike out "indeed".

(24) In section 505(h)(1) of the Railroad Revitalization and Regulatory Reform Act of 1976, as proposed to be added by section 112 of the bill, insert the following in subparagraph (A) immediately after "redeemable preference shares" the first time it appears therein: ", bonds,".

(25) In sections 505(h)(2) of the Railroad Revitalization and Regulatory Reform Act of 1976, as proposed to be added by section 112 of the bill, insert immediately after "preference shares": ", bonds,".

Agreed to May 22, 1980.

"HOW OUR LAWS ARE MADE"

June 5, 1980

[H. Con. Res. 95]

Resolved by the House of Representatives (the Senate concurring), That the brochure entitled "How Our Laws Are Made", as set out in House Document Numbered 95-259 of the Ninety-fifth Congress, be printed as a House document, with a suitable paperback cover of a style, design, and color, to be selected by the chairman of the Committee on the Judiciary of the House of Representatives, with emendations, and with a foreword by the Honorable Peter W. Rodino, Junior; and that there be printed two hundred and forty-six thousand additional copies, of which twenty-five thousand shall be for the use of the Committee on the Judiciary and the balance prorated to the Members of the House of Representatives.

Printing as House document.

SEC. 2. There shall be printed for the use of the Senate fifty-two thousand additional copies of the document specified in section 1 of this concurrent resolution.

Additional copies.

Agreed to June 5, 1980.

CONGRESSIONAL BUDGET DETERMINATIONS, FISCAL YEAR 1980

June 12, 1980

[H. Con. Res. 307]

Resolved by the House of Representatives (the Senate concurring), That the Congress hereby determines and declares, pursuant to section 301(a) of the Congressional Budget Act of 1974, that for the fiscal year beginning on October 1, 1980—

31 USC 1322.

(1) the recommended level of Federal revenues is $613,800,000,000, and the amount by which the aggregate level of Federal revenues should be increased by bills and resolutions to be reported by the appropriate committees is $4,200,000,000;

(2) the appropriate level of total budget authority is $697,200,000,000;

(3) the appropriate level of total budget outlays is $613,600,000,000;

(4) the amount of the surplus in the budget which is appropriate in the light of economic conditions and all other relevant factors is $200,000,000;

(5) the appropriate level of the public debt is $935,100,000,000 and the amount by which the statutory limit on such debt should accordingly be increased is $31,500,000,000; and

(6) the appropriate level of total gross obligations for the principal amount of direct loans is $63,900,000,000 and the appropriate level of total commitments to guarantee loan principal is $79,600,000,000.

SEC. 2. Based on allocations of the appropriate level of total new budget authority and of total budget outlays as set forth in paragraphs (2) and (3) of the first section of this resolution, the Congress hereby determines and declares pursuant to section 301(a)(2) of the Congressional Budget Act of 1974 that for the fiscal year beginning on October 1, 1980, the appropriate level of new budget authority and the estimated budget outlays for each major functional category are as follows:

(1) National Defense (050):

(A) New budget authority, $170,500,000,000;

(B) Outlays, $153,700,000,000.

(2) International Affairs (150):
  (A) New budget authority, $23,600,000,000;
  (B) Outlays, $9,500,000,000.
(3) General Science, Space, and Technology (250):
  (A) New budget authority, $6,600,000,000;
  (B) Outlays, $6,100,000,000.
(4) Energy (270):
  (A) New budget authority, $6,700,000,000;
  (B) Outlays, $6,800,000,000.
(5) Natural Resources and Environment (300):
  (A) New budget authority, $11,700,000,000;
  (B) Outlays, $12,100,000,000.
(6) Agriculture (350):
  (A) New budget authority, $5,500,000,000;
  (B) Outlays, $2,300,000,000.
(7) Commerce and Housing Credit (370):
  (A) New budget authority, $5,100,000,000;
  (B) Outlays, $000,000,000.
(8) Transportation (400):
  (A) New budget authority, $22,100,000,000;
  (B) Outlays, $18,750,000,000.
(9) Community and Regional Development (450):
  (A) New budget authority, $8,800,000,000;
  (B) Outlays, $9,200,000,000.
(10) Education, Training, Employment and Social Services (500):
  (A) New budget authority, $31,700,000,000;
  (B) Outlays, $29,500,000,000.
(11) Health (550):
  (A) New budget authority, $71,200,000,000;
  (B) Outlays, $61,700,000,000.
(12) Income Security (600):
  (A) New budget authority, $249,500,000,000;
  (B) Outlays, $219,550,000,000.
(13) Veterans Benefits and Services (700):
  (A) New budget authority, $21,700,000,000;
  (B) Outlays, $21,200,000,000.
(14) Administration of Justice (750):
  (A) New budget authority, $4,200,000,000;
  (B) Outlays, $4,600,000,000.
(15) General Government (800):
  (A) New budget authority, $4,600,000,000;
  (B) Outlays, $4,300,000,000.
(16) General Purpose Fiscal Assistance (850):
  (A) New budget authority, $6,200,000,000;
  (B) Outlays, $6,800,000,000.
(17) Interest (900):
  (A) New budget authority, $72,200,000,000;
  (B) Outlays, $72,200,000,000.
(18) Allowances (920):
  (A) New budget authority, $000,000,000;
  (B) Outlays, $000,000,000.
(19) Undistributed Offsetting Receipts (950):
  (A) New budget authority, –$24,700,000,000;
  (B) Outlays, –$24,700,000,000.

RECONCILIATION

SEC. 3. Pursuant to section 301(b)(2) of the Budget Act:

(a)(1) the House Committee on Armed Services shall recommend changes in laws within its jurisdiction which provide spending authority described in section 401(c)(2)(C) of the Budget Act to reduce spending for fiscal year 1981 by $400,000,000 in budget authority and $400,000,000 in outlays; 31 USC 1351.

(2) the House Committee on Education and Labor shall recommend changes in laws within its jurisdiction which provide spending authority described in section 401(c)(2)(C) of the Budget Act to reduce spending for fiscal year 1981 by $850,000,000 in budget authority and $850,000,000 in outlays;

(3) the House Committee on Interstate and Foreign Commerce shall recommend (A) program reductions in laws within its jurisdiction to reduce spending for fiscal year 1981 by $100,000,000 in outlays; and (B) changes in laws within its jurisdiction which provide spending authority described in section 401(c)(2)(C) of the Budget Act to reduce spending for fiscal year 1981 by $200,000,000 in budget authority and $300,000,000 in outlays; 31 USC 1351.

(4) the House Committee on Post Office and Civil Service shall recommend (A) program reductions in laws within its jurisdiction to reduce spending by $500,000,000 in budget authority and $500,000,000 in outlays; and (B) changes in laws within its jurisdiction which provide spending authority described in section 401(c)(2)(C) of the Budget Act to reduce spending for fiscal year 1981 by $500,000,000 in budget authority and $500,000,000 in outlays;

(5) the House Committee on Public Works and Transportation shall recommend program reductions in laws or in reported bills or resolutions within its jurisdiction to reduce spending for fiscal year 1981 by $600,000,000 in budget authority and $750,000,000 in outlays;

(6) the House Committee on Small Business shall recommend program reductions in laws within its jurisdiction to reduce spending for fiscal year 1981 by $800,000,000 in budget authority and $600,000,000 in outlays;

(7) the House Committee on Veterans' Affairs shall recommend program reductions in laws within its jurisdiction or changes in laws within its jurisdiction which provide spending authority described in section 401(c)(2)(C) of the Budget Act to reduce spending for fiscal year 1981 by $400,000,000 in budget authority and $400,000,000 in outlays;

(8) the House Committee on Ways and Means shall recommend changes in laws or in reported bills or resolutions within its jurisdiction which provide spending authority described in section 401(c)(2)(C) of the Budget Act to reduce spending for fiscal year 1981 by $700,000,000 in budget authority and $2,000,000,000 in outlays;

(9) the House Committee on Ways and Means shall recommend changes in laws within its jurisdiction to increase revenues for fiscal year 1981 by $4,200,000,000;

(10) the Senate Committee on Appropriations shall limit appropriations for fiscal year 1981 subsidies to the United States Postal Service to a level not to exceed $1,140,000,000 in budget authority and $1,140,000,000, in outlays, in order to achieve savings of $500,000,000 in budget authority and $500,000,000 in outlays;

(11) the Senate Committee on Agriculture, Nutrition, and Forestry shall recommend changes in laws within its jurisdiction which provide spending authority described in section 401(c)(2)(C) of the Budget Act to reduce spending for fiscal year 1981 by $500,000,000 in budget authority and $500,000,000 in outlays;

(12) the Senate Committee on Armed Services shall recommend changes in laws within its jurisdiction which provide spending authority described in section 401(c)(2)(C) of the Budget Act to reduce spending for fiscal year 1981 by $400,000,000 in budget authority and $400,000,000 in outlays;

(13) the Senate Committee on Commerce, Science, and Transportation shall recommend program reductions in laws or in reported bills or resolutions within its jurisdiction or changes in laws or in reported bills or resolutions within its jurisdiction which provide spending authority described in section 401(c)(2)(C) of the Budget Act to reduce spending for fiscal year 1981 by $300,000,000 in budget authority and $150,000,000 in outlays;

(14) the Senate Committee on Environment and Public Works shall recommend changes in laws within its jurisdiction which provide spending authority described in section 401(c)(2)(A) of the 31 USC 1351. Budget Act to reduce spending for fiscal year 1981 by $300,000,000 in budget authority;

(15) the Senate Committee on Finance shall recommend changes in laws or in reported bills or resolutions within its jurisdiction which provide spending authority described in section 401(c)(2)(C) of the Budget Act to reduce spending for fiscal year 1981 by $900,000,000 in budget authority and $2,200,000,000 in outlays;

(16) the Senate Committee on Finance shall recommend changes in laws within its jurisdiction to increase revenues for fiscal year 1981 by $4,200,000,000;

(17) the Senate Committee on Governmental Affairs shall recommend changes in laws within its jurisdiction which provide spending authority described in section 401(c)(2)(C) of the Budget Act to reduce spending for fiscal year 1981 by $500,000,000 in budget authority and $500,000,000 in outlays;

(18) the Senate Committee on Labor and Human Resources shall recommend changes in laws within its jurisdiction which provide spending authority described in section 401(c)(2)(C) of the Budget Act to reduce spending for fiscal year 1981 by $350,000,000 in budget authority and $450,000,000 in outlays;

(19) the Senate Committee on Small Business shall recommend changes in laws within its jurisdiction to reduce spending for fiscal year 1981 by $800,000,000 in budget authority and $600,000,000 in outlays; and

(20) the Senate Committee on Veterans' Affairs shall recommend changes in laws within its jurisdiction which provide spending authority described in section 401(c)(2)(C) of the Budget Act or equivalent savings legislation to reduce spending for fiscal year 1981 by $200,000,000 in budget authority and $400,000,000 in outlays;

(b)(1) not later than July 2, 1980, each committee specified in subsection (a) (1)–(9) and (16) shall submit its recommendations to the Committee on the Budget of its House;

(2) not later than June 25, 1980, each committee specified in subsection (a) (11)–(15) and (17)–(20) shall submit its recommendations to the Senate Committee on the Budget; and

(c) pursuant to subsection 310(c) of the Budget Act, the Committees on the Budget, after receiving recommendations submitted under subsections (a) and (b) of this section, shall report to their respective Houses a reconciliation bill or resolution or both carrying out all such recommendations without any substantive revision. The provisions of subsection 310(e) of the Budget Act shall apply to consideration in the Senate of any reconciliation bill or resolution.

SEC. 4. (a) The House sets forth the following budgetary levels for fiscal years 1982 through 1983—

(1) the recommended level of Federal revenues is as follows:
Fiscal year 1982: $714,800,000,000;
Fiscal year 1983: $824,100,000,000;

and the amount by which the aggregate levels of Federal revenues should be increased is as follows:
Fiscal year 1982: $200,000,000;
Fiscal year 1983: $000,000,000;

(2) the appropriate level of total new budget authority is as follows:
Fiscal year 1982: $769,100,000,000;
Fiscal year 1983: $868,850,000,000;

(3) the appropriate level of total budget outlays is as follows:
Fiscal year 1982: $688,000,000,000;
Fiscal year 1983: $784,600,000,000;

(4) the amount of the surplus in the budget which is appropriate in light of economic conditions and all other relevant factors is as follows:
Fiscal year 1982: $26,800,000,000;
Fiscal year 1983: $39,500,000,000;

(5) the appropriate level of the public debt is as follows:
Fiscal year 1982: $948,000,000,000;
Fiscal year 1983: $948,200,000,000.

(b) Based on allocations of the appropriate level of total new budget authority and of total budget outlays for fiscal years 1982 and 1983 as set forth above, the appropriate level of new budget authority and the estimated budget outlays for each major functional category are respectively as follows:

(1) National Defense (050):
Fiscal year 1982:
(A) New budget authority, $192,300,000,000;
(B) Outlays, $172,800,000,000.
Fiscal year 1983:
(A) New budget authority, $215,900,000,000;
(B) Outlays, $194,600,000,000.

(2) International Affairs (150):
Fiscal year 1982:
(A) New budget authority, $15,400,000,000;
(B) Outlays, $9,800,000,000.
Fiscal year 1983:
(A) New budget authority, $15,100,000,000;
(B) Outlays, $10,100,000,000.

(3) General Science, Space, and Technology (250):
Fiscal year 1982:
(A) New budget authority, $6,900,000,000;
(B) Outlays, $6,700,000,000.
Fiscal year 1983:
(A) New budget authority, $7,000,000,000;
(B) Outlays, $6,900,000,000.

(4) Energy (270):
  Fiscal year 1982:
    (A) New budget authority, $8,500,000,000;
    (B) Outlays, $10,400,000,000.
  Fiscal year 1983:
    (A) New budget authority, $10,000,000,000;
    (B) Outlays, $11,500,000,000.
(5) Natural Resources and Environment (300):
  Fiscal year 1982:
    (A) New budget authority, $13,400,000,000;
    (B) Outlays, $13,200,000,000.
  Fiscal year 1983:
    (A) New budget authority, $13,900,000,000;
    (B) Outlays, $13,600,000,000.
(6) Agriculture (350):
  Fiscal year 1982:
    (A) New budget authority, $6,500,000,000;
    (B) Outlays, $4,500,000,000.
  Fiscal year 1983:
    (A) New budget authority, $4,500,000,000;
    (B) Outlays, $5,200,000,000.
(7) Commerce and Housing Credit (370):
  Fiscal year 1982:
    (A) New budget authority, $5,500,000,000;
    (B) Outlays, $2,300,000,000.
  Fiscal year 1983:
    (A) New budget authority, $5,700,000,000;
    (B) Outlays, $2,300,000,000.
(8) Transportation (400):
  Fiscal year 1982:
    (A) New budget authority, $21,500,000,000;
    (B) Outlays, $19,800,000,000.
  Fiscal year 1983:
    (A) New budget authority, $23,000,000,000;
    (B) Outlays, $21,200,000,000.
(9) Community and Regional Development (450):
  Fiscal year 1982:
    (A) New budget authority, $8,800,000,000;
    (B) Outlays, $8,900,000,000.
  Fiscal year 1983:
    (A) New budget authority, $9,100,000,000;
    (B) Outlays, $9,000,000,000.
(10) Education, Training, Employment, and Social Services (500):
  Fiscal year 1982:
    (A) New budget authority, $35,300,000,000;
    (B) Outlays, $32,100,000,000;
  Fiscal year 1983:
    (A) New budget authority, $39,800,000,000;
    (B) Outlays, $38,100,000,000.
(11) Health (550):
  Fiscal year 1982:
    (A) New budget authority, $82,800,000,000;
    (B) Outlays, $70,600,000,000.
  Fiscal year 1983:
    (A) New budget authority, $118,350,000,000;
    (B) Outlays, $103,700,000,000.

(12) Income Security (600):
  Fiscal year 1982:
    (A) New budget authority, $284,500,000,000;
    (B) Outlays, $250,000,000,000.
  Fiscal year 1983:
    (A) New budget authority, $313,600,000,000;
    (B) Outlays, $276,000,000,000.
(13) Veterans Benefits and Services (700):
  Fiscal year 1982:
    (A) New budget authority, $23,400,000,000;
    (B) Outlays, $22,800,000,000.
  Fiscal year 1983:
    (A) New budget authority, $25,000,000,000;
    (B) Outlays, $24,400,000,000.
(14) Administration of Justice (750):
  Fiscal year 1982:
    (A) New budget authority, $4,400,000,000;
    (B) Outlays, $4,500,000,000.
  Fiscal year 1983:
    (A) New budget authority, $4,500,000,000;
    (B) Outlays, $4,700,000,000.
(15) General Government (800):
  Fiscal year 1982:
    (A) New budget authority, $5,000,000,000;
    (B) Outlays, $4,700,000,000.
  Fiscal year 1983:
    (A) New budget authority, $4,900,000,000;
    (B) Outlays, $4,800,000,000.
(16) General Purpose Fiscal Assistance (850):
  Fiscal year 1982:
    (A) New budget authority, $6,400,000,000;
    (B) Outlays, $6,400,000,000.
  Fiscal year 1983:
    (A) New budget authority, $6,500,000,000;
    (B) Outlays, $6,500,000,000.
(17) Interest (900):
  Fiscal year 1982:
    (A) New budget authority, $74,000,000,000;
    (B) Outlays, $74,000,000,000.
  Fiscal year 1983:
    (A) New budget authority, $77,700,000,000;
    (B) Outlays, $77,700,000,000.
(18) Allowances (920):
  Fiscal year 1982:
    (A) New budget authority, $2,000,000,000;
    (B) Outlays, $2,000,000,000.
  Fiscal year 1983:
    (A) New budget authority, $4,100,000,000;
    (B) Outlays, $4,100,000,000.
(19) Undistributed Offsetting Receipts (950):
  Fiscal year 1982:
    (A) New budget authority, −$27,500,000,000;
    (B) Outlays, −$27,500,000,000.
  Fiscal year 1983:
    (A) New budget authority, −$29,800,000,000;
    (B) Outlays, −$29,800,000,000.

SEC. 5. The Senate sets forth the following budgetary levels for fiscal years 1982 through 1983—

(1) the recommended level of Federal revenues is as follows:
Fiscal year 1982: $701,400,000,000;
Fiscal year 1983: $783,000,000,000;

and the amount by which the aggregate levels of Federal revenues should be increased or decreased is as follows:
Fiscal year 1982: −$5,200,000,000;
Fiscal year 1983: −$27,500,000,000;

(2) the appropriate level of total new budget authority is as follows:
Fiscal year 1982: $775,000,000,000;
Fiscal year 1983: $851,600,000,000;

(3) the appropriate level of total budget outlays is as follows:
Fiscal year 1982: $695,600,000,000;
Fiscal year 1983: $765,500,000,000;

(4) the amount of the deficit or surplus in the budget which is appropriate in the light of economic conditions and all other relevant factors is as follows:
Fiscal year 1982: +$5,800,000,000;
Fiscal year 1983: +$17,500,000,000;

(5) the appropriate level of the public debt is as follows:
Fiscal year 1982: $965,600,000,000;
Fiscal year 1983: $991,100,000,000;

and the amount by which the temporary statutory limit on such debt should be accordingly increased is as follows:
Fiscal year 1982: $31,200,000,000;
Fiscal year 1983: $25,500,000,000;

(b) Based on allocations of the appropriate levels of total new budget authority and of total budget outlays as set forth in paragraphs (2) and (3) of the preceding subsection of this resolution, the appropriate level of new budget authority and the estimated budget outlays for each major functional category are respectively as follows:

(1) National Defense (050):
Fiscal year 1982:
(A) New budget authority, $204,600,000,000;
(B) Outlays, $183,200,000,000.
Fiscal year 1983:
(A) New budget authority, $234,000,000,000;
(B) Outlays, $208,700,000,000.

(2) International Affairs (150):
Fiscal year 1982:
(A) New budget authority, $15,400,000,000;
(B) Outlays, $9,800,000,000.
Fiscal year 1983:
(A) New budget authority, $15,100,000,000;
(B) Outlays, $10,100,000,000;

(3) General Science, Space, and Technology (250):
Fiscal year 1982:
(A) New budget authority, $6,900,000,000;
(B) Outlays, $6,800,000,000.
Fiscal year 1983:
(A) New budget authority, $7,100,000,000;
(B) Outlays, $7,000,000,000.

(4) Energy (270):
Fiscal year 1982:
(A) New budget authority, $7,500,000,000;
(B) Outlays, $10,100,000,000.

Fiscal year 1983:
(A) New budget authority, $9,500,000,000;
(B) Outlays, $11,100,000,000.
(5) Natural Resources and Environment (300):
Fiscal year 1982:
(A) New budget authority, $12,400,000,000;
(B) Outlays, $12,900,000,000.
Fiscal year 1983:
(A) New budget authority, $12,700,000,000;
(B) Outlays, $13,200,000,000.
(6) Agriculture (350):
Fiscal year 1982:
(A) New budget authority, $6,600,000,000;
(B) Outlays, $4,500,000,000.
Fiscal year 1983:
(A) New budget authority, $4,500,000,000;
(B) Outlays, $5,200,000,000.
(7) Commerce and Housing Credit (370):
Fiscal year 1982:
(A) New budget authority, $5,900,000,000;
(B) Outlays, $2,700,000,000.
Fiscal year 1983:
(A) New budget authority, $6,300,000,000;
(B) Outlays, $2,900,000,000.
(8) Transportation (400):
Fiscal year 1982:
(A) New budget authority, $21,500,000,000;
(B) Outlays, $20,300,000,000.
Fiscal year 1983:
(A) New budget authority $22,200,000,000;
(B) Outlays, $21,600,000,000.
(9) Community and Regional Development (450):
Fiscal year 1982:
(A) New budget authority, $8,500,000,000;
(B) Outlays, $8,800,000,000.
Fiscal year 1983:
(A) New budget authority, $8,700,000,000;
(B) Outlays, $8,800,000,000.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 1982:
(A) New budget authority, $33,400,000,000;
(B) Outlays, $31,700,000,000.
Fiscal year 1983:
(A) New budget authority, $34,900,000,000;
(B) Outlays, $33,700,000,000.
(11) Health (550):
Fiscal year 1982:
(A) New budget authority, $82,800,000,000;
(B) Outlays, $70,600,000,000.
Fiscal year 1983:
(A) New budget authority, $94,300,000,000;
(B) Outlays, $79,600,000,000.
(12) Income Security (600):
Fiscal year 1982:
(A) New budget authority, $284,200,000,000;
(B) Outlays, $249,400,000,000.
Fiscal year 1983:
(A) New budget authority, $313,400,000,000;
(B) Outlays, $275,400,000,000.

(13) Veterans Benefits and Services (700):
  Fiscal year 1982:
    (A) New budget authority, $23,200,000,000.
    (B) Outlays, $22,700,000,000.
  Fiscal year 1983:
    (A) New budget authority, $24,800,000,000;
    (B) Outlays, $24,200,000,000.
(14) Administration of Justice (750):
  Fiscal year 1982:
    (A) New budget authority, $4,400,000,000;
    (B) Outlays, $4,500,000,000.
  Fiscal year 1983:
    (A) New budget authority, $4,600,000,000;
    (B) Outlays, $4,700,000,000.
(15) General Government (800):
  Fiscal year 1982:
    (A) New budget authority, $4,800,000,000;
    (B) Outlays, $4,700,000,000.
  Fiscal year 1983:
    (A) New budget authority, $5,100,000,000;
    (B) Outlays, $4,900,000,000.
(16) General Purpose Fiscal Assistance (850):
  Fiscal year 1982:
    (A) New budget authority, $6,400,000,000;
    (B) Outlays, $6,400,000,000.
  Fiscal year 1983:
    (A) New budget authority, $6,500,000,000;
    (B) Outlays, $6,500,000,000.
(17) Interest (900):
  Fiscal year 1982:
    (A) New budget authority, $74,000,000,000;
    (B) Outlays, $74,000,000,000.
  Fiscal year 1983:
    (A) New budget authority, $77,700,000,000;
    (B) Outlays, $77,700,000,000.
(18) Undistributed Offsetting Receipts (950):
  Fiscal year 1982:
    (A) New budget authority, −$27,500,000,000;
    (B) Outlays, −$27,500,000,000.
  Fiscal year 1983:
    (A) New budget authority, −$29,800,000,000;
    (B) Outlays, −$29,800,000,000.

SEC. 6. Sections 1 and 2 of Senate Concurrent Resolution 53 are revised to read as follows:

"SECTION 1. That the Congress hereby determines and declares, pursuant to section 310(a) of the Congressional Budget Act of 1974, that for the fiscal year beginning on October 1, 1979— 31 USC 1331.

"(1) the recommended level of Federal revenues is $525,700,000,000, and the amount by which the aggregate level of Federal revenues should be increased is $000,000,000;

"(2) the appropriate level of total new budget authority is $658,850,000,000;

"(3) the appropriate level of total budget outlays is $572,650,000,000;

"(4) the amount of the deficit in the budget which is appropriate in the light of economic conditions and all other relevant factors is $46,950,000,000;

"(5) the appropriate level of the public debt is $903,600,000,000, and the amount by which the statutory limit on such debt should accordingly be increased is $24,600,000,000; and

"(6) notwithstanding any other figure in this section, for purposes of clause 2, rule XLIX of the Rules of the House of Representatives, as made applicable to this section by House Resolution 642, Ninety-sixth Congress, the appropriate level of the public debt, for the period beginning on the date of enactment into law through February 28, 1981, is $925,000,000,000, and the amount by which the statutory limit on such debt for such period should accordingly be increased is $46,000,000,000.

"SEC. 2. Based on allocations of the appropriate level of total new budget authority and of total budget outlays as set forth in paragraphs (2) and (3) of the first section of this resolution, the Congress hereby determines and declares pursuant to section 310(a) of the Congressional Budget Act of 1974 that, for the fiscal year beginning on October 1, 1979, the appropriate level of new budget authority and the estimated budget outlays for each functional category are as follows: 31 USC 1331.

"(1) National Defense (050):
  "(A) New budget authority, $143,700,000,000;
  "(B) Outlays, $135,700,000,000.
"(2) International Affairs (150):
  "(A) New budget authority, $15,200,000,000;
  "(B) Outlays, $10,500,000,000.
"(3) General Science, Space, and Technology (250):
  "(A) New budget authority, $6,200,000,000;
  "(B) Outlays, $5,900,000,000.
"(4) Energy (270):
  "(A) New budget authority, $38,400,000,000;
  "(B) Outlays, $6,400,000,000.
"(5) Natural Resources and Environment (300):
  "(A) New budget authority, $12,600,000,000;
  "(B) Outlays, $13,400,000,000.
"(6) Agriculture (350):
  "(A) New budget authority, $5,000,000,000;
  "(B) Outlays, $5,900,000,000.
"(7) Commerce and Housing Credit (370):
  "(A) New budget authority, $11,700,000,000;
  "(B) Outlays, $6,100,000,000.
"(8) Transportation (400):
  "(A) New budget authority, $20,500,000,000;
  "(B) Outlays, $20,200,000,000.
"(9) Community and Regional Development (450):
  "(A) New budget authority, $10,000,000,000;
  "(B) Outlays, $9,800,000,000.
"(10) Education, Training, Employment and Social Services (500):
  "(A) New budget authority, $29,600,000,000;
  "(B) Outlays, $29,900,000,000.
"(11) Health (550):
  "(A) New budget authority, $59,800,000,000;
  "(B) Outlays, $56,500,000,000.
"(12) Income Security (600):
  "(A) New budget authority, $224,800,000,000;
  "(B) Outlays, $191,700,000,000.
"(13) Veterans Benefits and Services (700):
  "(A) New budget authority, $21,200,000,000;
  "(B) Outlays, $20,500,000,000.

"(14) Administration of Justice (750):
"(A) New budget authority, $4,300,000,000;
"(B) Outlays, $4,400,000,000.
"(15) General Government (800):
"(A) New budget authority, $4,500,000,000;
"(B) Outlays, $4,400,000,000.
"(16) General Purpose Fiscal Assistance (850):
"(A) New budget authority, $8,550,000,000;
"(B) Outlays, $8,550,000,000.
"(17) Interest (900):
"(A) New budget authority, $65,100,000,000;
"(B) Outlays, $65,100,000,000.
"(18) Allowances (920):
"(A) New budget authority, $000,000,000;
"(B) Outlays, $000,000,000.
"(19) Undistributed Offsetting Receipts (950):
"(A) New budget authority, −$22,300,000,000;
"(B) Outlays, −$22,300,000,000."

RECONCILIATION

31 USC 1331.

SEC. 7. Pursuant to section 310 of the Budget Act: (a) Not later than June 16, 1980, the House Committee on Appropriations shall report legislation reducing spending for fiscal year 1980 contained in laws or in reported bills or resolutions within its jurisdiction by $3,000,000,000 in budget authority and $1,000,000,000 in outlays; and

(b) Not later than ten days after Congress completes final action on this resolution, the Senate Committee on Appropriations shall report legislation reducing spending for fiscal year 1980 contained in laws within its jurisdiction by $3,000,000,000 in budget authority and $1,000,000,000 in outlays.

GENERAL PROVISIONS

SEC. 8. (a) No bill or resolution providing—

(1) new budget authority for fiscal year 1981, or

(2) new spending authority described in section 401(c)(2)(C) of the Budget Act first effective in fiscal year 1981— 31 USC 1351.

which exceeds the appropriate allocation or subdivision made pursuant to section 302 of such Act shall be enrolled until after Congress has completed action on the second concurrent resolution on the budget required to be reported under section 310 of such Act, and on any reconciliation legislation required by such resolution. Action on such resolution should be completed not later than August 28, 1980.

(b) Subsection (a) shall not apply to bills and resolutions for which a conference report has been filed in either House prior to final adoption by both Houses of this resolution.

SEC. 9. (a) No bill or resolution which would reduce Federal revenues in fiscal year 1981 by more than $100,000,000 shall be enrolled until after Congress has completed action on the second concurrent resolution on the budget required to be reported under section 310 of the Budget Act, and on any reconciliation language required by such resolution. Action on such resolution should be completed not later than August 28, 1980.

(b) After Federal revenues for fiscal year 1981 have been reduced by enacted bills and resolutions totaling $100,000,000, no other bill or resolution which would reduce revenues in such fiscal year shall be enrolled until after Congress has completed action on the second concurrent resolution on the budget, and on any reconciliation legislation required by such resolution. Action on such resolution should be completed not later than August 28, 1980.

(c) Notwithstanding subsection (a) or (b) of this section, a resolution adopted under section 402 of the Crude Oil Windfall Profit Tax of 1980 (26 U.S.C. 1) which has the effect of reducing revenues shall be enrolled.

Ante, p. 301.

SEC. 10. There is established a Congressional Federal Credit Budget for fiscal year 1981.

(a) The appropriate levels of total Federal credit activity for fiscal year 1981 are:

(1) New direct loan obligations, $63,900,000,000;

(2) New primary loan guarantee commitments, $79,600,000,000.

(b) It is the sense of the Congress that the President and the Congress, through the appropriations process, should limit in fiscal year 1981 the off-budget lending activity of the Federal Government to a level not to exceed $25,800,000,000; the on-budget lending activity to a level not to exceed $38,100,000,000; and new primary loan guarantee commitments to a level not to exceed $79,600,000,000.

SEC. 11. It is the sense of the Senate that due to the extreme rate of inflation in the United States economy, the possible inflationary effects of Federal regulations and legislation shall be carefully monitored as part of this program of fiscal restraint. Inflationary effects should therefore be a prime consideration in developing both regulations and legislation. In order to coordinate the aggregate economic impact of regulations with Federal fiscal policy, it is the sense of the Senate that the President should implement a "zero net inflation impact" policy for the Federal regulations promulgated in the remainder of fiscal year 1980 and fiscal year 1981. This policy will require the President to keep an accounting for fiscal years 1980 and 1981 of all new regulations which have a significant, measurable cost to the economy. The aggregate net increase in costs or price effects of new regulations would have to be offset by modifications to existing regulations which reduce the costs or price effects by at least that amount in fiscal years 1980 and 1981, as well as subsequent fiscal years. The cost-saving modifications need not affect the same area of economic activity as the cost-inducing regulations. The President should institute an exemption procedure to assure the promulgation of regulations necessary to avert any imminent threat to health and safety.

It is also the sense of the Senate that the Director of the Congressional Budget Office should issue a periodic "inflation scorekeeping" report which shall contain an estimate of the positive or negative inflationary effects, wherever measurable, of legislation enacted to date in the current session of Congress. The report shall also indicate for each bill, promptly after it is reported by a committee of Congress, whether:

(1) it is judged to have no significant positive or negative impact on inflation;

(2) it is judged to have a positive or negative inflationary impact on the amount specified in terms of both dollar amounts and change in the Consumer Price Index; and

(3) it is judged likely to have a significant positive or negative impact on inflation, but the amount cannot be determined immediately.

SEC. 12. Congress calls upon the President to review current inflation measures used for indexing Federal programs, as well as other indexing alternatives, to report to Congress by November 30, 1980, those conclusions and recommendations resulting from this review, and to reflect those conclusions in the President's budget and legislative proposals for fiscal year 1982.

SEC. 13. It is the sense of the Congress that the President should direct agencies not to increase the rate of obligation of fiscal year 1980 budget authority in advance of anticipated rescission actions.

Agreed to June 12, 1980.

June 16, 1980
[H. Con. Res. 359]

CORRECTIONS IN ENROLLED BILL S. 562

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill (S. 562) to authorize appropriations to the Nuclear Regulatory Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and section 305 of the Energy Reorganization Act of 1974, as amended, and for other purposes, the Secretary of the Senate shall make the following corrections:

Ante, p. 780.

(1) In section 101(a)(4)(C), strike out "and" in the first place it appears.

(2) In section 101(a)(5), strike out "Reserach" and substitute "Research".

(3) In section 110(c), after "Congress" insert "on".

(4) In paragraph (3) of subsection b. of the amendment made by section 203, strike out "as" and substitute "in excess of the limits".

(5) In the last sentence of the amendment made by section 203 insert "required to be" before "licensed".

(6) In subsection d. (3) of the amendment made by section 207, before the period insert "or the common defense and security".

(7) In section 301(a), strike out "bundaries" and substitute "boundaries".

(8) In section 303(2), after "permit" insert "and".

(9) In section 307(a), strike out "programs by" and substitute "programs for".

(10) In section 308, strike out "Secretary of Health and Human Resources" and substitute "Secretary of Health and Human Services".

Agreed to June 16, 1980.

June 16, 1980
[H. Con. Res. 360]

HOUSE REPORT 96-1035

Printing of additional copies.

Resolved by the House of Representatives (the Senate concurring), That, in addition to the usual number of copies, there shall be printed one thousand five hundred copies of House Report Numbered 96-1035, of which seven hundred and fifty shall be distributed to the House of Representatives document room and seven hundred and fifty shall be distributed to the House Committee on Interstate and Foreign Commerce.

Agreed to June 16, 1980.

AMERICAN AUTOMOBILE AND TRUCK INDUSTRY—CONGRESSIONAL SUPPORT

June 24, 1980
[S. Con. Res. 101]

Whereas, the American automobile and truck industry produces one million seven hundred and fifty thousand jobs, or one out of every twelve manufacturing jobs in the United States and also supports thousands of jobs in other key industries such as steel, rubber, glass, plastics, aluminum, copper, malleable iron, textiles and electronics; and

Whereas, the American automobile and truck industry is a major customer for fifty thousand small and medium size businesses located in every State, and a healthy and strong domestic automobile industry is necessary to the livelihood of twenty-seven thousand domestic auto dealers; and

Whereas, the domestic automobile manufacturers have undertaken an all-out effort to retool facilities for the production of small, fuel efficient autos and trucks in response to the sudden and unprecedented shift in consumer demand that occurred in 1979; and

Whereas, in the spirit of free trade, the United States has provided an open door to automobile and truck imports regardless of domestic content while most other countries including Japan have virtually closed their auto markets to United States produced vehicles through local content requirements, tariffs, or elaborate and indirect taxes; and

Whereas, Japanese automobile manufacturers, confronted with slack Japanese demand and tight import restrictions in other countries, have increased overtime and added auto production capacity in Japan in a massive effort to expand auto exports to the United States, raising their market share from 12 per centum in 1978 to over 21 per centum in the first quarter of 1980 with an eventual market target of 30 per centum or greater; and

Whereas, the United States incurred an auto trade deficit with Japan of more than $9,000,000,000 in 1979 with estimates that the deficit will exceed $10,000,000,000 in auto and truck trade in 1980, thereby worsening inflation in the United States; and

Whereas, the massive unemployment resulting from the decline in United States auto production has imposed major costs on Federal, State, and local governments across the country in the form of trade adjustment assistance, unemployment benefits, social services, and large losses in tax revenues; and

Whereas, the present economic difficulty in the American automobile and truck industry results from more than a downturn in the business cycle, is not self-correcting and threatens to inflict lasting structural deterioration and dislocation on the industrial base of the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) it is a goal of the United States to achieve technological superiority in the world automobile and truck industry; and

(2) the American automobile and truck industry is a strategic national industry that is essential to the economic stability and national security of the United States; and

(3) economic, fiscal, and import policies should be designed to create adequate capital and to produce a climate for the American automobile and truck industry to achieve a rapid conversion of plant capacity to the production of increasingly safe, high

quality, fuel efficient automobiles and trucks; and, in addition, the Administration and the Congress should review regulatory and import policies to assess their possible effect on the efforts of United States industry to retool for lighter, fuel efficient cars; and

(4) it is in the national interest of the United States to reduce substantially the high level of unemployment in the automobile, truck, and related industries; and the Congress therefore calls on the Administration, foreign governments, foreign and domestic manufacturers and affected labor unions to take immediate steps to alleviate short-range unemployment in the United States and to encourage these basic industries to build United States employment for the future; and

(5) during this period of transition for the United States auto industry, reasonable restraint should be exercised by all affected parties with respect to prices and wages so as not to place an undue burden on American consumers.

Agreed to June 24, 1980.

July 1, 1980
[S. Con. Res. 104]

ALASKA NATURAL GAS TRANSPORTATION SYSTEM

Whereas, the Alaska Natural Gas Transportation System is a critically important energy project that will tap Alaska's North Slope natural gas reserves which constitute more than 10 percent of this Nation's entire proven natural gas reserves;

Whereas, the System, when complete, will supply the United States with 5 percent of its annual natural gas demand, displacing over four hundred thousand barrels of oil, thereby greatly reducing this Nation's excessive dependence on foreign oil;

Whereas, the Congress has already expressed its overwhelming support for the System in approving by joint resolution the President's 1977 Decision on the Alaska Natural Gas Transportation System;

Whereas, a portion of the System known as prebuild can be constructed by the end of 1981 to bring Canadian gas to this Nation until the entire System is complete in 1985;

Whereas, prebuild will contribute to completion of the entire System by spreading demand for capital, labor and materials over several years, and will enable this Nation to obtain Canadian natural gas to displace two hundred thousand barrels of foreign oil a day;

Whereas, the Federal Energy Regulatory Commission has issued decisions granting certificates for the prebuild facilities in the United States;

Whereas, the sponsors of the Alaskan segment of the System and the North Slope natural gas producers have entered into an agreement to fund and manage jointly the design, engineering and cost estimation for the Alaskan segment and have made a joint Statement of Intention to work to develop a financing plan for the Alaskan segment with the object of completing construction by the end of 1985: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), **That it is the sense of the Congress that the System remains an**

essential part of securing this Nation's energy future and, as such, enjoys the highest level of congressional support for its expeditious construction and completion by the end of 1985.

Agreed to July 1, 1980.

ADJOURNMENT—HOUSE OF REPRESENTATIVES AND SENATE

July 2, 1980
[S. Con. Res. 107]

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses on Wednesday, July 2, 1980, it stand in recess until 11:00 o'clock a.m. on Monday, July 21, 1980, and that when the House adjourns on Wednesday, July 2, 1980, it stand adjourned until 12:00 o'clock noon on Monday, July 21, 1980.

Agreed to July 2, 1980.

ADJOURNMENT PERIOD FOR HOUSE OF REPRESENTATIVES AND SENATE

July 31, 1980
[S. Con. Res. 112]

Resolved by the Senate (the House of Representatives concurring), That notwithstanding the provisions of section 132(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 198), as amended by section 461 of the Legislative Reorganization Act of 1970 (Public Law 91-510; 84 Stat. 1193), the Senate and the House of Representatives shall not adjourn for a period in excess of three days, nor adjourn sine die, until both Houses of Congress have adopted a concurrent resolution providing either for an adjournment (in excess of three days) to a day certain, or for adjournment sine die.

2 USC 198.

Agreed to July 31, 1980.

ADJOURNMENT—HOUSE OF REPRESENTATIVES AND SENATE

July 31, 1980
[S. Con. Res. 113]

Resolved by the Senate (the House of Representatives concurring), That when the Senate completes its business on Wednesday, August 6, 1980, it stand in recess until 11 o'clock ante meridiem on Monday, August 18, 1980, and that when the House completes its business on Friday, August 1, 1980, it stand adjourned until 12 o'clock noon on Monday, August 18, 1980.

Agreed to July 31, 1980.

HELSINKI FINAL ACT—SUPPORT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS POSITIONS

Aug. 1, 1980
[H. Con. Res. 391]

Whereas August 1, 1980, marks the fifth anniversary of the signing of the Final Act of the Conference on Security and Cooperation in Europe (CSCE) by the United States, Canada and thirty-three European nations at Helsinki, Finland; and

Whereas the signatories to the Helsinki Final Act committed themselves to "respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language, or religion"; and

Whereas Principle VII of the Final Act specifically confirms the "right of the individual to know and act upon his rights and duties" in the field of human rights and Principle IX confirms the "relevant and positive role" organizations and persons can play in contributing toward the achievement of cooperation among states; and

Whereas citizens of many signatory nations have formed public groups to monitor and promote full implementation of the Final Act; and

Whereas these monitoring groups have documented extensive violations of human rights in the Soviet Union, Czechoslovakia, and other CSCE signatories; and

Whereas the governments of the Soviet Union, Czechoslovakia, and other countries have imprisoned, exiled, or otherwise punished members of these monitoring groups; and

Whereas the representatives of these thirty-five signatories to the Helsinki Final Act will be meeting in Madrid on November 11, 1980, to review implementation and to discuss new measures to advance European cooperation and security; and

Whereas respect for human rights and fundamental freedoms is indispensable for the development of genuine security and cooperation among signatory states: Now, therefore be it

Resolved by the House of Representatives (the Senate concurring), That the Congress reaffirms its support for full implementation of all the provisions of the Helsinki Final Act by all the signatories; and be it further

Resolved, That it is the sense of the Congress that human rights concerns should be given serious and prominent attention during both the review of implementation and consideration of new proposal phases of the Madrid meeting; and be it further

Resolved, That the United States delegation to the Madrid meeting should raise—in a firm, forthright, and specific manner—violations of human rights in other signatory countries, especially those actions taken against members of private monitoring groups; and be it further

Resolved, That to preserve the integrity of the CSCE process and to ensure full consideration of human rights issues, any new measures agreed upon at Madrid, including post-Madrid experts' meetings, should be balanced among all sections of the Final Act; and be it further

Resolved, That the United States delegation should seek a continuation of the CSCE process by working at the Madrid meeting on setting the time and place of the next review meeting within two years; and be it further

Resolved, That the United States delegation to the Madrid meeting should seek broad support from other signatory countries for these positions.

SEC. 2. The Clerk of the House of Representatives shall transmit copies of this resolution to the President and the Secretary of State.

Agreed to August 1, 1980.

ADJOURNMENT—HOUSE OF REPRESENTATIVES AND SENATE

Aug. 27, 1980
[S. Con. Res. 118]

Resolved by the Senate (the House of Representatives concurring), That when the Senate completes its business on Wednesday, August 27, 1980, it stand in recess until 10:00 o'clock a.m. on Wednesday, September 3, 1980, and that when the House completes its business on Thursday, August 28, 1980, it stand adjourned until 12:00 o'clock noon on Wednesday, September 3, 1980.

Agreed to August 27, 1980.

CORRECTIONS IN ENROLLED BILL S. 2680

Aug. 27, 1980
[H. Con. Res. 410]

Resolved by the House of Representatives (the Senate concurring), That the Secretary of the Senate, in the enrollment of S. 2680 (An Act to improve the administration of the Historic Sites, Buildings, and Antiquities Act of 1935 (49 Stat. 666)), shall make the following corrections:

Ante, p. 1133.

In section 17, change "Relations" to "Organizations" in both the first and second sentences.

Agreed to August 27, 1980.

CORRECTIONS IN ENROLLED BILL S. 299

Sept. 9, 1980
[S. Con. Res. 121]

Resolved by the Senate (the House of Representatives concurring), The Secretary of the Senate is instructed that in the enrollment of S. 299 the following change shall be made: In section 608(b), in lieu of the word "An" insert the following: "Except as provided in section 605(b), an".

Ante, p. 1164.

Agreed to September 9, 1980.

CORRECTIONS IN ENROLLED BILL H.R. 5288

Sept. 29, 1980
[S. Con. Res. 130]

Ante, p. 2171.

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill (H.R. 5288) to amend title 38, United States Code, to improve and modernize the vocational rehabilitation program provided veterans under chapter 31 of such title,

to improve the veteran's educational assistance program, and for other purposes, the Clerk of the House of Representatives shall make the following corrections:

(1) In clause (3) of section 103 of the bill, strike out "and inserting in lieu thereof a period".

(2) In subsection (b) of section 1774, as amended by section 203 of the bill, strike out "1,103" and "833" and insert in lieu thereof "$1,103" and "$833", respectively.

(3) In section 325 of the bill, strike out "1723" and insert in lieu thereof "1723(a)".

(4) In section 331 of the bill, strike out "striking out" and insert in lieu thereof "inserting".

(5) In subsection (c) of section 1788, as added by section 345(b) of the bill, strike out "means a study" and insert in lieu thereof "means study".

(6) In section 505 of the bill, after the quotation marks after "representative" insert "the first time such term appears".

(7) In subsection (g)(1) of section 1682, as added by section 602(a) of the bill, strike out "$311 per month for a full-time course" and insert in lieu thereof "the applicable monthly educational assistance allowance prescribed for a veteran with no dependents in subsection (a)(1) or (c)(2) of this section or section 1787(b)(1) of this title".

(8) In subsection (e) of section 1732, as added by section 602(b) of the bill, strike out "institutional".

Agreed to September 29, 1980.

Sept. 30, 1980
[S. Con. Res. 128]

CORRECTIONS IN ENROLLED BILL S. 1177

Ante, p. 1564.

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill (S. 1177) to improve the provision of mental health services and otherwise promote mental health throughout the United States, and for other purposes, the Secretary of the Senate shall make the following corrections:

(1) In section 101(c)(3) of the bill (A) strike out "Paragraph (1) does" and insert in lieu thereof "Paragraphs (1) and (2) do", and (B) strike out "migrant center which" and insert in lieu thereof "migrant center and which".

(2) In section 107(a)(8) of the bill strike out "patients rights" and insert in lieu thereof "patients' rights".

(3) Strike out the period at the end of section 201(b) of the bill and insert in lieu thereof a comma and the following: "except that if at the end of such period a center has not obligated all the funds received by it under a grant, the center may use the unobligated funds under the grant in the succeeding year for the same purposes for which such grant was made but only if the center is eligible to receive a grant under subsection (a) for such succeeding year."

(4) In section 201(c)(2)(B) of the bill strike out "or entity".

(5) In section 201(c)(2)(ii) of the bill strike out "eligible to receive services from such a center".

(6) In section 201(c) of the bill, redesignate paragraph (2) as paragraph (3) and insert after paragraph (1) the following new paragraph:

"(2) The amount of a grant prescribed by paragraph (1) for a community mental health center for any year shall be reduced by the amount of unobligated funds from the preceding year which the center is authorized, under subsection (b)(1), to use in the year for which the grant is to be made.".

(7) Amend paragraph (3) of section 201(d) of the bill to read as follows:

"(3) Of the total amount appropriated under paragraphs (1) and (2) for any fiscal year, the Secretary may not obligate more than 5 percent for grants under subsection (a) to community mental health centers which are operated by hospitals and which have advisory committees as prescribed by section 101(c)(2).".

(8) In section 202(b)(2) of the bill strike out "Social Security Act," and insert in lieu thereof "Social Security Act and under".

(9) In section 202(c)(2)(ii) of the bill strike out "eligible to receive services from such a entity".

(10) In section 203(b) of the bill strike out "Social Security Act," and insert in lieu thereof "Social Security Act and under".

(11) In section 203(c)(3)(ii) of the bill strike out "eligible to receive services from such a entity".

(12) In section 204(a)(2) of the bill (A) strike out the comma after "provision of" in subparagraph (A), and (B) strike out "Social Security Act," in subparagraph (B) and insert in lieu thereof "Social Security Act and under".

(13) In section 204(a)(3)(C)(II) of the bill strike out "eligible to receive services from such a entity".

(14) In section 204(b)(3)(D)(II) of the bill strike out "eligible to receive services from such a entity".

(15) In section 206(c)(3)(B) of the bill strike out "or entity" and insert in lieu thereof "or other entity".

(16) In section 206(c)(3)(ii) of the bill strike out "eligible to receive services from such a center or entity".

(17) In section 207(b)(2) of the bill strike out "any grant" and insert in lieu thereof "any grant or contract".

(18) Insert after section 208 of the bill the following:

"TITLE III—GENERAL PROVISIONS RESPECTING GRANT PROGRAMS".

(19) In section 301 of the bill strike out "receive a grant" and insert in lieu thereof "receive a grant or contract".

(20) In section 302(2)(K) of the bill strike out "Social Security Act," and insert in lieu thereof "Social Security Act and under".

(21) In section 326 of the bill insert a comma after "short-term training".

(22) Strike out section 329 of the bill.

(23) In section 401(b) of the bill, strike out "1981" and insert in lieu thereof "1980".

Agreed to September 30, 1980.

Sept. 30, 1980
[S. Con. Res. 131]

CORRECTIONS IN ENROLLED BILL S. 2719

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate, in the enrollment of the bill (S. 2719) to amend and extend certain Federal laws relating to housing, community and neighborhood development and preservation, and related programs, and for other purposes, shall make the following change:

Ante, p. 1614.

At the end of the proposed section 311 of the Home Mortgage Disclosure Act of 1975 (which is contained in section 340(c) of the bill), strike out the close quotation marks and the period, and add the following:

"TERMINATION OF AUTHORITY

"SEC. 312. The authority granted by this title shall expire on October 1, 1985.".

Agreed to September 30, 1980.

Sept. 30, 1980
[S. Con. Res. 132]

CORRECTIONS IN ENROLLED BILL S. 2719

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate, in enrolling the bill (S. 2719) to amend and extend certain Federal laws relating to housing, community and neighborhood development and preservation, and related programs, and for other purposes, shall make the following corrections:

Ante, p. 1614.

(1) In section 301 of the bill—

(A) strike out "October 1, 1980" each place it appears and insert in lieu thereof "October 16, 1980"; and

(B) strike out "September 30, 1980" each place it appears and insert in lieu thereof "October 15, 1980".

(2) In section 204(b)(1) of the bill, strike out "September 30, 1980" and insert in lieu thereof "October 15, 1980".

(3) In section 302(a) of the bill, strike out "October 1, 1980" and insert in lieu thereof "October 16, 1980".

(4) In section 337(a) of the bill, strike out "October 1, 1980" and insert in lieu thereof "October 16, 1980".

(5) In section 114 of the bill, strike out subsection (d) and insert in lieu thereof the following:

"(d) Section 312(h) of such Act is amended—

"(1) by striking out 'October 15, 1980' and inserting in lieu thereof 'September 30, 1982'; and

"(2) by striking out 'October 16, 1980' and inserting in lieu thereof 'October 1, 1982'".

(6) In section 501(a) of the bill, strike out "September 30, 1980" each place it appears and insert in lieu thereof "October 15, 1980".

(7) In section 501, strike out subsections (b), (c), and (d)(1) and insert in lieu thereof the following:

"(b) Section 515(b)(5) of such Act is amended by striking out 'October 15, 1980' and inserting in lieu thereof 'September 30, 1981'.

"(c) Section 517(a)(1) of such Act is amended by striking out 'October 15, 1980' and inserting in lieu thereof 'September 30, 1981'.

"(d) Section 523 of such Act is amended—

"(1) by striking out 'October 15, 1980' wherever it appears in subsection (f) and inserting in lieu thereof 'September 30, 1981'; and".

(8) In section 501(f) strike out paragraph (2) and insert in lieu thereof the following:

"(2) by striking out 'after October 15, 1980' in the third sentence and inserting in lieu thereof 'with respect to any fiscal year beginning on or after October 1, 1981'".

Agreed to September 30, 1980.

CORRECTIONS IN ENROLLED BILL H.R. 6331

Sept. 30, 1980
[H. Con. Res. 441]

Ante, p. 1851.

Resolved by the House of Representatives (the Senate concurring), **That in the enrollment of the bill (H.R. 6331) to amend the Act of July 31, 1946, as amended, relating to the United States Capitol Grounds, and for other purposes, the Clerk of the House of Representatives shall make the following corrections:**

(1) In section 7(a) of the bill insert after "all publicly or privately owned property contained in" the following: "lot 49 in square 582; lot 70 in square 640; and".

(2) In section 7(c) of the bill strike out "$3,500,000" and insert in lieu thereof "$11,500,000".

Agreed to September 30, 1980.

"UNITED STATES BOTANIC GARDEN CONSERVATORY—A SELF-GUIDED TOUR"

Oct. 1, 1980
[S. Con. Res. 102]

Printing of copies.

Resolved by the Senate (the House of Representatives concurring), **That there shall be printed for the use of the Joint Committee of Congress on the Library one hundred thousand copies of the brochure entitled "United States Botanic Garden Conservatory—A Self-Guided Tour".**

Agreed to October 1, 1980.

"THE SENATE CHAMBER, 1810-1859" AND "THE SUPREME COURT CHAMBER, 1810-1860"

Oct. 1, 1980
[S. Con. Res. 123]

Printing of additional copies.

Resolved by the Senate (the House of Representatives concurring), **That there be printed for use of the Commission on Art and Antiquities of the United States Senate fifty thousand additional copies of the booklet entitled "The Senate Chamber, 1810-1859", and thirty thousand additional copies of the booklet entitled "The Supreme Court Chamber, 1810-1860".**

Agreed to October 1, 1980.

Oct. 1, 1980
[S. Con. Res. 126]

ADJOURNMENT—HOUSE OF REPRESENTATIVES AND SENATE

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses on any day beginning with Tuesday, September 30, 1980, but no later than Thursday, October 2, 1980, as determined by the Majority Leader, after consultation with the Minority Leader, and as so moved by the Majority Leader in accordance with this resolution, it stand in recess until 11:00 a.m. on Wednesday, November 12, 1980, and that when the House of Representatives adjourns on Thursday, October 2, 1980, it stand adjourned until 12:00 meridian on Wednesday, November 12, 1980.

Agreed to October 1, 1980.

Oct. 1, 1980
[H. Con. Res. 393]

FOREST SERVICE—SEVENTY-FIFTH ANNIVERSARY

Whereas the forest resources of the United States are one of the Nation's most important assets; and

Whereas the management of those resources for the sustained production of goods and services for the benefit of the public is a declared policy of the Congress; and

Whereas the Forest Service, United States Department of Agriculture, is charged with providing national leadership in forestry and carries out this responsibility through the management of the national forest system, by cooperation with States and private landowners, and by conducting forestry research; and

Whereas the public interest has been well served by the Forest Service, United States Department of Agriculture, since its founding in 1905: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress recognizes the year 1980 as the seventy-fifth anniversary of the founding of the Forest Service, United States Department of Agriculture, and hereby extends to that agency its appreciation for service effectively rendered to the public over the past seventy-five years.

Agreed to October 1, 1980.

Oct. 1, 1980
[H. Con. Res. 413]

"THE CAPITOL"

Printing as House document.

Resolved by the House of Representatives (the Senate concurring), That there will be printed as a House document a revised edition of "The Capitol", to be published under the direction of the Committee on House Administration.

Additional copies.

SEC. 2. In addition to the usual number of copies, there shall be printed five hundred and fifty thousand additional copies, of which four hundred and forty-two thousand copies shall be for the use of the House of Representatives, one hundred and three thousand copies shall be for the use of the Senate, and five thousand copies for the use of the Joint Committee on Printing.

Agreed to October 1, 1980.

RAOUL WALLENBERG—HONORED FOR HIS WORK IN HUNGARY DURING WORLD WAR II

Nov. 19, 1980
[H. Con. Res. 434]

Whereas in January 1944 the War Refugee Board was established by the United States to organize rescue operations to free persons being persecuted during World War II;

Whereas the War Refugee Board requested Sweden to send a representative to Hungary;

Whereas the Swedish representative, Raoul Wallenberg, is considered responsible for having saved the lives of twenty thousand Jewish citizens in Hungary through the issuance of protective Swedish passports beginning in July 1944;

Whereas Raoul Wallenberg is recognized as saving indirectly the lives of an additional seventy thousand Jewish citizens in Hungary through collaborative efforts in the latter half of 1944 with neutralist representatives in Budapest and the Jewish Community in Hungary;

Whereas Raoul Wallenberg was taken into Soviet "protective custody" on January 13, 1945, in violation of international standards of diplomatic immunity;

Whereas Soviet officials originally denied having custody of Wallenberg, but subsequently stated that a prisoner named "Wallenberg" died in a Soviet prison on July 17, 1947;

Whereas in 1949 he was nominated by Albert Einstein for the Nobel Peace Prize;

Whereas reports from the Soviet Union, as recent as May 1, 1978, suggest that Raoul Wallenberg is alive;

Whereas the continued internment of Wallenberg, if indeed he is still alive, is in direct contravention of the Final Act of the Helsinki Conference on Security and Cooperation in Europe which requires signatories to "fulfill in good faith their obligations under international law"; and

Whereas the Madrid Conference on Security and Cooperation in Europe, to be held on November 11, 1980, provides an occasion to discuss the status of Raoul Wallenberg with the Soviet Government as part of the review of the Helsinki Final Act;

Whereas documents released by the Swedish Foreign Ministry in January 1980 indicate diplomatic efforts by the Swedish Government have not fully clarified the status of Raoul Wallenberg: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress honors Raoul Wallenberg for his outstanding work on behalf of those persecuted in Hungary during World War II, and it is the sense of Congress that the United States delegation to the review meeting of the Conference on Security and Cooperation in Europe which will be held in Madrid in November 1980 should urge that the case of Raoul Wallenberg be considered at that meeting by the signatory countries to the Final Act of the Helsinki Conference on Security and Cooperation in Europe; and be it further

Resolved, That the Congress requests the Department of State to take all possible steps to discern from the Soviet Union the whereabouts of Raoul Wallenberg and, if he is alive, to secure his return to his native country.

Agreed to November 19, 1980.

CONGRESSIONAL BUDGET DETERMINATIONS, FISCAL YEAR 1980

Nov. 20, 1980
[H. Con. Res. 448]

Resolved by the House of Representatives (the Senate concurring), That the Congress hereby determine and declares, pursuant to section 310(a) of the Congressional Budget Act of 1974, that for the fiscal year beginning on October 1, 1980—

31 USC 1331.

(1) the recommended level of Federal revenues is $605,000,000,000;

(2) the appropriate level of total budget authority is $694,600,000,000;

(3) the appropriate level of total budget outlays is $632,400,000,000;

(4) the amount of the deficit in the budget which is appropriate in the light of economic conditions and all other relevant factors is $27,400,000,000;

(5) the appropriate level of the public debt is $978,600,000,000 and the amount by which the statutory limit on such debt should accordingly be increased is $53,600,000,000; and

(6) the appropriate level of total gross obligations for the principal amount of direct loans is $73,500,000,000, the appropriate level of total new primary commitments to guarantee loan principal is $82,800,000,000, and the appropriate level of total new secondary commitments to guarantee loan principal is $53,000,000,000.

SEC. 2. Based on allocations of the appropriate level of total new budget authority and of total budget outlays as set forth in paragraphs (2) and (3) of the first section of this resolution, the Congress hereby determines and declares pursuant to section 310(a) of the Congressional Budget Act of 1974 that for the fiscal year beginning on October 1, 1980, the appropriate level of new budget outlays authority and the estimated budget outlays for each major functional category are as follows:

(1) National Defense (050):
  (A) New budget authority, $172,700,000,000;
  (B) Outlays, $159,050,000,000.
(2) International Affairs (150):
  (A) New budget authority, $23,850,000,000;
  (B) Outlays, $10,500,000,000.
(3) General Science, Space, and Technology (250):
  (A) New budget authority, $6,400,000,000;
  (B) Outlays, $6,100,000,000.
(4) Energy (270):
  (A) New budget authority, $5,850,000,000;
  (B) Outlays, $7,800,000,000.
(5) Natural Resources and Environment (300):
  (A) New budget authority, $11,900,000,000;
  (B) Outlays, $13,100,000,000.
(6) Agriculture (350):
  (A) New budget authority, $5,350,000,000;
  (B) Outlays, $2,100,000,000.
(7) Commerce and Housing Credit (370):
  (A) New budget authority, $5,250,000,000;
  (B) Outlays, $950,000,000.
(8) Transportation (400):
  (A) New budget authority, $21,300,000,000;
  (B) Outlays, $19,700,000,000.

(9) Community and Regional Development (450):
(A) New budget authority, $9,250,000,000;
(B) Outlays, $10,450,000,000.
(10) Education, Training, Employment and Social Services (500):
(A) New budget authority, $31,600,000,000;
(B) Outlays, $29,800,000,000.
(11) Health (550):
(A) New budget authority, $68,550,000,000;
(B) Outlays, $63,150,000,000.
(12) Income Security (600):
(A) New budget authority, $248,800,000,000;
(B) Outlays, $225,550,000,000.
(13) Veterans Benefits and Services (700):
(A) New budget authority, $22,100,000,000;
(B) Outlays, $21,700,000,000.
(14) Administration of Justice (750):
(A) New budget authority, $4,100,000,000;
(B) Outlays, $4,450,000,000.
(15) General Government (800):
(A) New budget authority, $4,600,000,000;
(B) Outlays, $4,400,000,000.
(16) General Purpose Fiscal Assistance (850):
(A) New budget authority, $6,500,000,000;
(B) Outlays, $7,050,000,000.
(17) Interest (900):
(A) New budget authority, $71,900,000,000;
(B) Outlays, $71,900,000,000.
(18) Allowances (920):
(A) New budget authority, $400,000,000;
(B) Outlays, $450,000,000.
(19) Undistributed Offsetting Receipts (950):
(A) New budget authority, −$25,800,000,000;
(B) Outlays, −$25,800,000,000.

SEC. 3. (a) The House sets forth the following budgetary levels for fiscal years 1982 through 1983—

(1) the recommended level of Federal revenues is as follows:
Fiscal year 1982: $682,100,000,000;
Fiscal year 1983: $778,300,000,000;

(2) the appropriate level of total new budget authority is as follows:
Fiscal year 1982: $754,450,000,000;
Fiscal year 1983: $821,800,000,000;

(3) the appropriate level of total budget outlays is as follows:
Fiscal year 1982: $695,950,000,000;
Fiscal year 1983: $755,300,000,000;

(4) the amount of the deficit or surplus in the budget which is appropriate in light of economic conditions and all other relevant factors is as follows:
Fiscal year 1982: −$13,850,000,000;
Fiscal year 1983: +$23,000,000,000;

(5) the appropriate level of the public debt is as follows:
Fiscal year 1982: $1,017,850,000,000;
Fiscal year 1983: $1,031,850,000,000;

and the amount by which the temporary statutory limit on such debt should be accordingly increased is as follows:
Fiscal year 1982: $46,850,000,000;
Fiscal year 1983: $24,000,000,000.

(b) Based on allocations of the appropriate level of total new budget authority and of total budget outlays for fiscal years 1982 and 1983 as set forth above, the appropriate level of new budget authority and the estimated budget outlays for each major functional category are respectively as follows:

(1) National Defense (050):
  Fiscal year 1982:
    (A) New budget authority, $193,300,000,000;
    (B) Outlays, $179,450,000,000.
  Fiscal year 1983:
    (A) New budget authority, $218,100,000,000;
    (B) Outlays, $201,700,000,000.
(2) International Affairs (150):
  Fiscal year 1982:
    (A) New budget authority, $17,100,000,000;
    (B) Outlays, $10,200,000,000.
  Fiscal year 1983:
    (A) New budget authority, $17,850,000,000;
    (B) Outlays, $10,600,000,000.
(3) General Science, Space, and Technology (250):
  Fiscal year 1982:
    (A) New budget authority, $6,250,000,000;
    (B) Outlays, $6,350,000,000.
  Fiscal year 1983:
    (A) New budget authority, $6,200,000,000;
    (B) Outlays, $6,700,000,000.
(4) Energy (270):
  Fiscal year 1982:
    (A) New budget authority, $7,350,000,000;
    (B) Outlays, $9,250,000,000.
  Fiscal year 1983:
    (A) New budget authority, $8,950,000,000;
    (B) Outlays, $10,700,000,000.
(5) Natural Resources and Environment (300):
  Fiscal year 1982:
    (A) New budget authority, $12,450,000,000;
    (B) Outlays, $12,750,000,000.
  Fiscal year 1983:
    (A) New budget authority, $13,400,000,000;
    (B) Outlays, $13,050,000,000.
(6) Agriculture (350):
  Fiscal year 1982:
    (A) New budget authority, $5,400,000,000;
    (B) Outlays, $4,000,000,000.
  Fiscal year 1983:
    (A) New budget authority, $5,150,000,000;
    (B) Outlays, $4,400,000,000.
(7) Commerce and Housing Credit (370):
  Fiscal year 1982:
    (A) New budget authority, $6,100,000,000;
    (B) Outlays, $3,050,000,000.
  Fiscal year 1983:
    (A) New budget authority, $6,550,000,000;
    (B) Outlays, $3,100,000,000.
(8) Transportation (400):
  Fiscal year 1982:
    (A) New budget authority, $21,550,000,000;
    (B) Outlays, $20,800,000,000.

Fiscal year 1983:
(A) New budget authority, $22,500,000,000;
(B) Outlays, $22,600,000,000.
(9) Community and Regional Development (450):
Fiscal year 1982:
(A) New budget authority, $8,600,000,000;
(B) Outlays, $9,000,000,000.
Fiscal year 1983:
(A) New budget authority, $9,200,000,000;
(B) Outlays, $8,300,000,000.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 1982:
(A) New budget authority, $33,800,000,000;
(B) Outlays, $33,050,000,000.
Fiscal year 1983:
(A) New budget authority, $36,550,000,000;
(B) Outlays, $34,850,000,000.
(11) Health (550):
Fiscal year 1982:
(A) New budget authority, $79,250,000,000;
(B) Outlays, $73,250,000,000.
Fiscal year 1983:
(A) New budget authority, $89,150,000,000;
(B) Outlays, $82,650,000,000.
(12) Income Security (600):
Fiscal year 1982:
(A) New budget authority, $276,100,000,000;
(B) Outlays, $248,100,000,000.
Fiscal year 1983:
(A) New budget authority, $300,150,000,000;
(B) Outlays, $269,150,000,000.
(13) Veterans Benefits and Services (700):
Fiscal year 1982:
(A) New budget authority, $23,350,000,000;
(B) Outlays, $22,750,000,000.
Fiscal year 1983:
(A) New budget authority, $24,900,000,000;
(B) Outlays, $24,450,000,000;
(14) Administration of Justice (750):
Fiscal year 1982:
(A) New budget authority, $4,300,000,000;
(B) Outlays, $4,350,000,000.
Fiscal year 1983:
(A) New budget authority, $4,650,000,000;
(B) Outlays, $4,650,000,000.
(15) General Government (800):
Fiscal year 1982:
(A) New budget authority, $4,650,000,000;
(B) Outlays, $4,550,000,000.
Fiscal year 1983:
(A) New budget authority, $5,000,000,000;
(B) Outlays, $4,850,000,000.
(16) General Purpose Fiscal Assistance (850):
Fiscal year 1982:
(A) New budget authority, $6,950,000,000;
(B) Outlays, $7,100,000,000.
Fiscal year 1983:
(A) New budget authority, $6,500,000,000;
(B) Outlays, $6,550,000,000.

(17) Interest (900):
  Fiscal year 1982:
    (A) New budget authority, $76,700,000,000;
    (B) Outlays, $76,700,000,000.
  Fiscal year 1983:
    (A) New budget authority, $77,700,000,000;
    (B) Outlays, $77,700,000,000;
(18) Allowances (920):
  Fiscal year 1982:
    (A) New budget authority, $950,000,000;
    (B) Outlays, $950,000,000.
  Fiscal year 1983:
    (A) New budget authority, $900,000,000;
    (B) Outlays, $900,000,000.
(19) Undistributed Offsetting Receipts (950):
  Fiscal year 1982:
    (A) New budget authority, −$29,700,000,000;
    (B) Outlays, −$29,700,000,000.
  Fiscal year 1983:
    (A) New budget authority, −$31,600,000,000;
    (B) Outlays, −$31,600,000,000.

SEC. 4. (a) The Senate sets forth the following budgetary levels for fiscal years 1982 through 1983—

(1) the recommended level of Federal revenues is as follows:
  Fiscal year 1982: $672,400,000,000;
  Fiscal year 1983: $766,500,000,000;

(2) the appropriate level of total new budget authority is as follows:
  Fiscal year 1982: $778,800,000,000;
  Fiscal year 1983: $852,600,000,000;

(3) the appropriate level of total budget outlays is as follows:
  Fiscal year 1982: $709,900,000,000;
  Fiscal year 1983: $777,700,000,000;

(4) the amount of the deficit in the budget which is appropriate in the light of economic conditions and all other relevant factors is as follows:
  Fiscal year 1982: $37,500,000,000;
  Fiscal year 1983: $11,200,000,000;

(5) the appropriate level of the public debt is as follows:
  Fiscal year 1982: $1,046,100,000,000;
  Fiscal year 1983: $1,061,500,000,000;

and the amount by which the temporary statutory limit on such debt should be accordingly increased is as follows:
  Fiscal year 1982: $67,500,000,000;
  Fiscal year 1983: $15,400,000,000;

(b) Based on allocations of the appropriate levels of total new budget authority and of total budget outlays as set forth in paragraphs (2) and (3) of the preceding subsection of this resolution, the appropriate level of new budget authority and the estimated budget outlays for each major functional category are respectively as follows:

(1) National Defense (050):
  Fiscal year 1982:
    (A) New budget authority, $208,300,000,000;
    (B) Outlays, $186,800,000,000.
  Fiscal year 1983:
    (A) New budget authority, $237,400,000,000;
    (B) Outlays, $212,200,000,000.

(2) International Affairs (150):
  Fiscal year 1982:
    (A) New budget authority, $15,700,000,000;
    (B) Outlays, $10,200,000,000.
  Fiscal year 1983:
    (A) New budget authority, $15,200,000,000;
    (B) Outlays, $9,900,000,000.
(3) General Science, Space, and Technology (250):
  Fiscal year 1982:
    (A) New budget authority, $7,000,000,000;
    (B) Outlays, $6,800,000,000.
  Fiscal year 1983:
    (A) New budget authority, $7,100,000,000;
    (B) Outlays, $7,000,000,000.
(4) Energy (270):
  Fiscal year 1982:
    (A) New budget authority, $7,100,000,000;
    (B) Outlays, $10,200,000,000.
  Fiscal year 1983:
    (A) New budget authority, $9,500,000,000;
    (B) Outlays, $11,300,000,000.
(5) Natural Resources and Environment (300):
  Fiscal year 1982:
    (A) New budget authority, $12,800,000,000;
    (B) Outlays, $13,400,000,000.
  Fiscal year 1983:
    (A) New budget authority, $13,100,000,000;
    (B) Outlays, $13,400,000,000.
(6) Agriculture (350):
  Fiscal year 1982:
    (A) New budget authority, $5,800,000,000;
    (B) Outlays, $4,200,000,000.
  Fiscal year 1983:
    (A) New budget authority, $5,500,000,000;
    (B) Outlays, $4,500,000,000.
(7) Commerce and Housing Credit (370):
  Fiscal year 1982:
    (A) New budget authority, $5,800,000,000;
    (B) Outlays, $2,700,000,000.
  Fiscal year 1983:
    (A) New budget authority, $6,300,000,000;
    (B) Outlays, $2,800,000,000.
(8) Transportation (400):
  Fiscal year 1982:
    (A) New budget authority, $20,200,000,000;
    (B) Outlays, $20,000,000,000.
  Fiscal year 1983:
    (A) New budget authority, $20,800,000,000;
    (B) Outlays, $21,000,000,000.
(9) Community and Regional Development (450):
  Fiscal year 1982:
    (A) New budget authority, $8,600,000,000;
    (B) Outlays, $8,800,000,000.
  Fiscal year 1983:
    (A) New budget authority, $8,700,000,000;
    (B) Outlays, $8,600,000,000.

(10) Education, Training, Employment, and Social Services (500):
  Fiscal year 1982:
    (A) New budget authority, $32,200,000,000;
    (B) Outlays, $31,100,000,000.
  Fiscal year 1983:
    (A) New budget authority, $33,200,000,000;
    (B) Outlays, $32,100,000,000.
(11) Health (550):
  Fiscal year 1982:
    (A) New budget authority, $81,500,000,000;
    (B) Outlays, $75,000,000,000.
  Fiscal year 1983:
    (A) New budget authority, $92,400,000,000;
    (B) Outlays, $84,700,000,000.
(12) Income Security (600):
  Fiscal year 1982:
    (A) New budget authority, $287,500,000,000;
    (B) Outlays, $255,200,000,000.
  Fiscal year 1983:
    (A) New budget authority, $314,300,000,000;
    (B) Outlays, $281,700,000,000.
(13) Veterans Benefits and Services (700):
  Fiscal year 1982:
    (A) New budget authority, $24,100,000,000;
    (B) Outlays, $23,300,000,000.
  Fiscal year 1983:
    (A) New budget authority, $26,000,000,000;
    (B) Outlays, $25,600,000,000.
(14) Administration of Justice (750):
  Fiscal year 1982:
    (A) New budget authority, $4,500,000,000;
    (B) Outlays, $4,600,000,000.
  Fiscal year 1983:
    (A) New budget authority, $4,700,000,000;
    (B) Outlays, $4,700,000,000.
(15) General Government (800):
  Fiscal year 1982:
    (A) New budget authority, $4,900,000,000;
    (B) Outlays, $4,800,000,000.
  Fiscal year 1983:
    (A) New budget authority, $5,200,000,000;
    (B) Outlays, $5,000,000,000.
(16) General Purpose Fiscal Assistance (850):
  Fiscal year 1982:
    (A) New budget authority, $6,400,000,000;
    (B) Outlays, $6,400,000,000.
  Fiscal year 1983:
    (A) New budget authority, $6,500,000,000;
    (B) Outlays, $6,500,000,000.
(17) Interest (900):
  Fiscal year 1982:
    (A) New budget authority, $73,800,000,000;
    (B) Outlays, $73,800,000,000.
  Fiscal year 1983:
    (A) New budget authority, $76,400,000,000;
    (B) Outlays, $76,400,000,000.

(18) Undistributed Offsetting Receipts (950):
Fiscal year 1982:
(A) New budget authority, −$27,400,000,000;
(B) Outlays, −$27,400,000,000.
Fiscal year 1983:
(A) New budget authority, −$29,700,000,000;
(B) Outlays, −$29,700,000,000.

GENERAL PROVISIONS

SEC. 5. There is established a Congressional Federal Credit Budget for fiscal year 1981.

(a) The appropriate levels of total Federal credit activity for fiscal year 1981 are:

(1) New direct loan obligations, $73,500,000,000;

(2) New primary loan guarantee commitments, $82,800,000,000;

(3) New secondary loan guarantee commitments, $53,000,000,000.

(b) It is the sense of the Congress that the President and the Congress, through the appropriations process, should limit in fiscal year 1981 the off-budget lending activity of the Federal Government to a level not to exceed $28,900,000,000, the on-budget lending activity to a level not to exceed $44,600,000,000, new primary loan guarantee commitments to a level not to exceed $82,800,000,000, and new secondary loan guarantee commitments to a level not to exceed $53,000,000,000.

SEC. 6. The Congress recognizes that (other than for certain minor changes adopted at the start of the Ninety-sixth Congress as revisions to the rules of the House) there have been no changes to the Budget Act of 1974. It is the sense of the Congress that after six years of experience under the Budget Act, the time is right for considering revisions and modifications to the Budget Act so as to improve the congressional budget process. Accordingly, the Congress believes that a review of the Budget Act and the congressional budget process should be undertaken without delay.

31 USC 1331 note.

SEC. 7. Pursuant to section 310 of the Budget Act, it shall not be in order in either the House of Representatives or the Senate to consider any resolution providing for the adjournment sine die of either House unless action has been completed on H.R. 7765, the Omnibus Reconciliation Act of 1980.

31 USC 1331.

Ante, p. 2599.

SEC. 8. It is the sense of the Congress that due to the extreme rate of inflation in the United States economy, the possible inflationary effects of Federal regulations and legislation shall be carefully monitored as part of a program of fiscal restraint. Inflationary effects should therefore be a prime consideration in developing both regulations and legislation. In order to coordinate the aggregate economic impact of regulations with Federal fiscal policy, it is the sense of Congress that the President should implement a "Zero Net Inflation Impact" policy for the regulations promulgated in the remainder of fiscal year 1981. This policy will require the President to keep an accounting for fiscal year 1981 of all new regulations which have a significant, measurable cost to the economy. Cost-saving modifications need not affect the same area of economic activity as the cost-inducing regulations. The President should institute an exemption procedure to assure the promulgation of regulations necessary to avert any imminent threat to health and safety. It is also the sense of

Congress that the Director of the Congressional Budget Office should issue a periodic "inflation scorekeeping" report which shall contain an estimate of the positive or negative inflationary effects, wherever measurable, of legislation enacted to date in the current session of Congress. The report shall also indicate for each bill, promptly after it is reported by a committee of Congress, whether—

(1) it is judged to have no significant positive or negative impact on inflation;

(2) it is judged to have a positive or negative inflationary impact of the amount specified in terms of both dollar amounts and change in the Consumer Price Index; or

(3) it is judged likely to have a significant positive or negative impact on inflation, but the amount cannot be determined immediately.

Agreed to November 20, 1980.

ADJOURNMENT—HOUSE OF REPRESENTATIVES AND SENATE

Nov. 20, 1980
[H. Con. Res. 451]

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Friday, November 21, 1980, it stand adjourned until 12 o'clock meridian on Monday, December 1, 1980, and that when the Senate recesses on Tuesday, November 25, 1980, it stand in recess until 11 o'clock, ante meridiem on Monday, December 1, 1980.

Agreed to November 20, 1980.

CORRECTIONS IN ENROLLED BILL H.R. 39

Dec. 1, 1980
[H. Con. Res. 452]

Ante, p. 2371.

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H.R. 39), to provide for the designation and conservation of certain public lands in the State of Alaska, including the designation of units of the National Park, National Wildlife Refuge, National Forest, National Wild and Scenic Rivers, and National Wilderness Preservation Systems, and for other purposes, the Clerk of the House of Representatives shall make the following corrections:

(1) Strike out "and any Urban Corporation" in section 102(6) of the bill and insert in lieu thereof "any Urban Corporation, and any Native Group".

(2) Strike out "The Secretary" at the beginning of section 203 of the bill and insert in lieu thereof "Subject to valid existing rights, the Secretary".

(3) Add the following new subsection at the end of section 103 of the bill:

"(c) Only those lands within the boundaries of any conservation system unit which are public lands (as such term is defined in this Act) shall be deemed to be included as a portion of such unit. No lands which, before, on, or after the date of enactment of this Act, are conveyed to the State, to any Native Corporation, or to any private party shall be subject to the regulations applicable solely to public lands within such units. If the State, a Native Corporation, or other owner desires to convey any such lands, the Secretary may acquire such lands in accordance with applicable law (including this Act), and any such lands shall become part of the unit, and be administered accordingly.".

(4) Strike out in sections 201, 202, and 205 of the bill the term "Federal lands" in each place in which that term appears and substitute in each such place the term "public lands".

(5) Strike out in section 204 of the bill "Valid Native selections" in each place such words appear and in each such place substitute "Valid Native Corporation selections".

(6) Strike out in sections 501, 502, and 503 of the bill the term "Federal lands" in each place in which such term appears and in each such place substitute the term "public lands".

(7) Strike out in sections 401 and 403 of the bill the term "Federal lands" in each place it appears and in each such place substitute the term "public lands".

(8) Strike out in section 605(e) of the bill "non-Federal" and insert "nonpublic".

(9) Strike out in sections 701 and 702 of the bill the phrase "lands within the boundaries" in each such section and insert in lieu thereof in each such section "public lands within the boundaries".

(10) Strike out in section 703 of the bill "lands within the Tongass" and insert in lieu thereof "public lands within the Tongass".

(11) Strike out in section 704 of the bill "shall review the lands" and insert in lieu thereof "shall review the public lands".

(12) In the first sentence of section 803 of the bill insert semicolons after the word "transportation", before the words "for barter, or sharing", and before the words "and for customary".

(13) In section 1401(b) of the bill add the phrase ", Urban Corporations and Native groups" after the phrase "Village Corporations".

(14) In section 1401 of the bill add an additional subsection (d) as follows:

"(d) Section 3 of the Alaska Native Claims Settlement Act is amended by the addition of a new subsection as follows:

"(m) 'Native Corporation' means any Regional Corporation, any Village Corporation, any Urban Corporation, and any Native Group.".

(15) In section 103 of the bill strike out the words "The boundaries" at the beginning of the second sentence of subsection (a) and insert in lieu thereof the following: "In the event of discrepancies between the acreages specified in this Act and those depicted on such maps, the maps shall be controlling, but the boundaries".

(16) In section 201 of the bill:

(A) insert the words "by local residents" after the words "Subsistence uses" in the final sentence of section 201(3); and

(B) insert the words "by local residents" after the words "Subsistence uses" in the final sentence of section 201(9).

(17) In section 202 of the bill add the following sentence at the end of paragraph (1): "Lands, waters, and interests therein within the boundary of the park and preserve which were within the boundary of any national forest are hereby excluded from such national forest and the boundary of such national forest is hereby revised accordingly.".

(18) Strike out section 1306(b)(2) of the bill and substitute:

"(2) notwithstanding any other provision of law, the Secretary, under such terms and conditions as he determines are reasonable, may lease or acquire by purchase, donation, exchange, or any other method (except condemnation) real property (other than Federal land), office space, housing, and other necessary facilities which the Secretary determines to be suitable for carrying out such purposes; and".

(19) In sections 302 and 303 of the bill strike out the words "local rural residents" wherever such words appear and in each case substitute therefor the words "local residents".

(20) In section 1303 of the bill strike out the words "lands not owned by the claimant" each time such words appear in such section and substitute in lieu thereof "public lands" in each such instance.

(21) In section 203 of the bill add at the end thereof the following sentence: "Notwithstanding any other provision of law, no fees shall be charged for entrance or admission to any unit of the National Park System located in Alaska.".

(22) In section 503(j) of the bill strike out the word "Permits" and all that follows through the words "except that the", and insert in lieu thereof "The".

(23) In section 1404 of the bill strike out "Section 14(a)(1)" from subsection (a) of such section and insert in lieu thereof "Section 14(c)(1)".

(24) In section 1314 of the bill insert the word "system" between the words "park" and "monuments" in the second sentence of subsection (c) of such section.

(25) In section 1417 of the bill strike out the word "properly" in subsection (d) of such section and insert in lieu thereof the word "property".

(26) In section 1501 of the bill strike out the word "Range" and insert in lieu thereof the word "Refuge".

(27) In section 303(B)(3)(i) of the bill insert the word "natural" before the word "diversity".

(28) In subsection (e) of section 906 of the bill strike out the period at the end of the first sentence of such subsection and insert in lieu thereof the following: ", other than lands within any conservation system unit or the National Petroleum Reserve—Alaska.".

(29) In subsection (g) of section 906 of the bill strike out the period at the end thereof and insert in lieu thereof the following: ", to the extent such an application could have been filed under such subsection (e).".

(30) Strike out section 807 of the bill and substitute the following:

"JUDICIAL ENFORCEMENT

"SEC. 807. (a) Local residents and other persons and organizations aggrieved by a failure of the State or the Federal Government to provide for the priority for subsistence uses set forth in section 804 (or with respect to the State as set forth in a State law of general applicability if the State has fulfilled the requirements of section 805(d)) may, upon exhaustion of any State or Federal (as appropriate) administrative remedies which may be available, file a civil action in the United States District Court for the District of Alaska to require such actions to be taken as are necessary to provide for the priority. In a civil action filed against the State, the Secretary may be joined as a party to such action. The court may grant preliminary injunctive relief in any civil action if the granting of such relief is appropriate under the facts upon which the action is based. No order granting preliminary relief shall be issued until after an opportunity for hearing. In a civil action filed against the State, the court shall provide relief, other than preliminary relief, by directing the State to submit regulations which satisfy the requirements of section 804; when approved by the court, such regulations shall be incorporated as part of the final judicial order, and such order shall be valid only for such period of time as normally provided by State law for the regulations at issue. Local residents and other persons and organizations who are prevailing parties in an action filed pursuant to this section shall be awarded their costs and attorney's fees.

"(b) A civil action filed pursuant to this section shall be assigned for hearing at the earliest possible date, shall take precedence over other matters pending on the docket of the United States district court at that time, and shall be expedited in every way by such court and any appellate court.

"(c) This section is the sole Federal judicial remedy created by this title for local residents and other residents who, and organizations which, are aggrieved by a failure of the State to provide for the priority of subsistence uses set forth in section 804.".

(31) Add after section 1436 the following new section:

"CONVEYANCES TO VILLAGE CORPORATIONS

"SEC. 1437. (a) OPTIONAL PROCEDURE.—The provisions of this section shall be applicable only to the conveyance of Federal lands described herein to a Native Corporation which within one hundred and eighty days after the date of enactment of this Act or the date of eligibility determination, whichever is later, files a document with the Secretary setting forth its election to receive conveyance pursuant to this section.

"(b) 'CORE' TOWNSHIPS ETC.—(1)(A) Except to the extent that conveyance of a surface estate would be inconsistent with section 12(a), 14(a), 14(b), or 22(l) of the Alaska Native Claims Settlement Act, subject to valid existing rights and section 903(a) of this Act, there is hereby conveyed to and vested in each Village Corporation for a Native village which is determined by the Secretary to be eligible for land under section 11 or 16 of the Alaska Native Claims Settlement Act, and which did not elect to acquire a former reserve under section 19(b) of such Act, all of the right, title, and interest of the United States in and to the surface estate in the public lands, as defined in such Act, in the township or townships withdrawn pursuant to section 11(a)(1) or 16(a) of such Act in which all or any part of such village is located. As used in this paragraph the term 'Native village' has the same meaning such term has in section 3(c) of the Alaska Native Claims Settlement Act.

"(B) Where two or more Village Corporations are entitled to the same land by virtue of the same township or townships embracing all or part of the Native villages, the conveyance made by paragraph (A) shall not be effective as to such lands until an arbitration decision or other binding agreement between or among the Corporations is filed with and published by the Secretary. Within thirty days of receipt of such decision or agreement, the Secretary shall publish notice of the decision or agreement in the Federal Register. Effective with such publication, title to the lands conveyed by subparagraph (A) shall vest in the Village Corporation as specified in the decision or agreement. For purposes of section 902, until title vests in the Village Corporation pursuant to this subparagraph, the Secretary shall consider the entire acreage involved chargeable to each Corporation's entitlement.

"(2) Except to the extent that conveyance of a surface estate would be inconsistent with section 12(a), 14(a), or 22(l) of the Alaska Native Claims Settlement Act, subject to valid existing rights and section 903(a) of this Act, there is hereby conveyed to and vested in each Village Corporation for a Native village which is determined by the Secretary to be eligible for land under section 11 of such Act, and which did not elect to acquire a former Reserve under section 19(b) of such Act, all of the right, title, and interest of the United States in and to the surface estate in the township or townships withdrawn pursuant to section 11(a)(2) of such Act in which all or any part of such village is located: *Provided,* That any such land reserved to or selected by the State of Alaska under the Acts of March 4, 1915 (38 Stat. 1214), as amended, January 21, 1929 (45 Stat. 1091), as amended, or July 28, 1956 (70 Stat. 709), and lands selected by the State which have been tentatively approved to the State under section 6(g) of the Alaska Statehood Act and as to which the State, prior to December 18, 1971, had conditionally granted title to, or contracts to purchase, the surface estate to third parties, including cities and boroughs within the State, and such reservations, selections, grants, and contracts had not expired or been relinquished or revoked by the date of this Act, shall not be conveyed by operation of this paragraph: *And provided further,* That the provisions of subparagraph (1)(B) of this subsection shall apply to the conveyances under this paragraph.

"(3) Subject to valid existing rights and section 903(a) of this Act, there is hereby conveyed to and vested in each Village Corporation which, by the date of enactment of this Act, is determined by the Secretary to be eligible under the Alaska Native Claims Settlement Act to, and has elected to, acquire title to any estate pursuant to section 19(b) of the Alaska Native Claims Settlement Act, all of the right, title, and interest of the United States in and to the estates in a reserve, as such reserve existed on December 18, 1971, which was set aside for the use or benefit of the stockholders or members of such Corporation before the date of enactment of the Alaska Native Claims Settlement Act. Nothing in this paragraph shall apply to the Village Corporation for the Native Village of Klukwan, which Corporation shall receive those rights granted to it by the Act of January 2, 1976 (Public Law 94-204), as amended by the Act of October 4, 1976 (Public Law 94-456).

"(4) Subject to valid existing rights and section 903(a) of this Act, and except where such lands are within a National Wildlife Refuge or the National Petroleum Reserve—Alaska, for which the Regional Corporation obtains in-lieu rights pursuant to section 12(a)(1) of the Alaska Native Claims Settlement Act, there is hereby conveyed to and vested in each Regional Corporation which, as a result of a conveyance of a surface estate by operation of paragraphs (1) and (2) of this subsection, is entitled under section 14(f) of the Alaska Native

Claims Settlement Act to receive the subsurface estate corresponding to such surface estate, all of the right, title, and interest of the United States in and to such subsurface estate.

"(c) DOCUMENTS.—As soon as possible after the date of enactment of this Act, the Secretary shall issue to each Native Corporation referred to in subsection (b) interim conveyances or patents to the estate or estates conveyed to such Corporation by such subsection, but title shall be deemed to have passed on the date of the filing of a document of election described in subsection (a), notwithstanding any delay in the issuance of the interim conveyances or patents.

"(d) RECONVEYANCES; DISPUTES.—A Village Corporation's obligation to reconvey lands under section 14(c) of the Alaska Native Claims Settlement Act shall arise only upon receipt of an interim conveyance or patent, whichever is earlier, under subsection (c) of this section or under such Act. For purposes of the Alaska Native Claims Settlement Act, legislative conveyances made by, or interim conveyances and patents issued pursuant to, this title shall have the same effect as if issued pursuant to sections 14(a), 14(b), 14(f), and 19(b) of the Alaska Native Claims Settlement Act and shall be deemed to have been so issued. Disputes between or among Native Corporations arising from conveyances under this Act shall be resolved by a board of arbitrators of a type described in section 12(e) of the Alaska Native Claims Settlement Act pertaining to disputes over land selection rights and the boundaries of Village Corporations.

"(e) EXISTING RIGHTS.—All conveyances made by operation of this section shall be subject to the terms and conditions of the Alaska Native Claims Settlement Act as if such conveyances or patents had been made or issued pursuant to that Act.

"(f) EASEMENTS.—For a period of one year from the date of enactment of this Act, the Secretary may identify and issue a decision to reserve in the patent those easements, pursuant to section 17(b)(3) of the Alaska Native Claims Settlement Act, which are described in section 17(b)(1) of such Act on lands conveyed by this section, but the Secretary shall not reserve a greater number of easements or more land for a particular easement or easements than is reasonably necessary and he shall be guided by the principles of section 903 of this Act. Upon the finality of the decision so issued, such easements shall be reserved in the conveyance document or documents issued by the Secretary as required by this section.

"(g) DEFINITION.—For purposes of this section, the term 'Native Corporation' means Village Corporations and Regional Corporations.".

(32) In section 1313 of the bill—

(A) strike out the words "taking of fish and wildlife for sport and subsistence purposes," and insert in lieu thereof the words "taking of fish and wildlife for sport purposes and for subsistence uses,";

(B) strike out the words "Consistent with the provision of this Act," and insert in lieu thereof the words "Consistent with the provisions of section 816,"; and

(C) strike out the words "appropriate State agency having jurisdiction" and all that follows down to the period at the end of such section, and insert in lieu thereof the words "appropriate State agency having responsibility over hunting, fishing, and trapping activities".

(33) In section 604(b) of the bill strike out the reference to "(79) and (80)" in the new paragraph (5) which such subsection adds to the Wild and Scenic Rivers Act and substitute "(80) and (81)"

(34) In section 804 of the bill strike out the word "preference" each time such word appears in such section and insert in lieu thereof the word "priority" in each such instance.

(35) At the end of title XIII add the following new section and conform the table of contents accordingly:

"ALASKA GAS PIPELINE

"SEC. 1327. Nothing in this Act shall be construed as imposing any additional requirements in connection with the construction and operation of the transportation system designated by the President and approved by the Congress pursuant to the Alaska Natural Gas Transportation Act of 1976 (Public Law 94-586; 90 Stat. 2903), or as imposing any limitations upon the authority of the Secretary concerning such system.".

(36) In section 905(a)(1) of the bill, strike out the words "land that was unreserved on December 13, 1968" and insert in lieu thereof "either land that was unreserved on December 13, 1968, or land within the National Petroleum Reserve—Alaska (then identified as Naval Petroleum Reserve Numbered 4)".

(37) In section 402(a) of the bill, strike out "The Secretary" and insert in lieu thereof the words "Subject to valid existing rights, the Secretary".

(38) In the second sentence of section 403 of the bill, strike out "The Secretary" and insert in lieu thereof the words "Subject to valid existing rights, the Secretary".

(39) In the first sentence of section 501(b) of the bill, strike out "Lands added" and insert in lieu thereof "Subject to valid existing rights, lands added".

(40) In section 503(c) of the bill, strike out "Except" and insert in lieu thereof the words "Subject to valid existing rights and except".

(41) In section 1312(b) of the bill insert after the words "hereby withdrawn" the words "from State selection under the Alaska Statehood Act or other law, and".

(42) In section 1314(b) of the bill, insert after the word "over" the words "the management of".

(43) Strike out section 1303(d) of the bill and substitute: "(d) Nothing in this Act shall preclude the renewal or continuation of valid leases or permits in effect on the date of enactment of this Act for cabins, homesites, or similar structures on Federal lands. Unless the Secretary, or in the case of national forest lands, the Secretary of Agriculture, issues specific findings following notice and an opportunity for the leaseholder or permittee to respond, that renewal or continuation of such valid permit or lease constitutes a direct threat to or a significant impairment to the purposes for which a conservation system unit was established (in the case of a structure located within a conservation system unit) or the public domain or national forest (in case of a structure located outside conservation system units), he shall renew such valid leases or permits upon their expiration in accordance with the provisions of the original lease or permit, subject to such reasonable regulations as he may prescribe. Subject to the provisions of the original lease or permit, nothing in this Act or subsection shall necessarily preclude the appropriate Secretary from transferring such a lease or permit to another person at the election or death of the original permittee or lessee."

(44) Strike out section 1420(a) of the bill and substitute: "Sec. 1420. (a) Subject to the provisions of section 1419 (b) and (c) of this Act, the following described lands, during the period of withdrawal specified in section 1419(b)(4), shall be set aside and managed as a study area by the United States Fish and Wildlife Service in cooperation with Doyon, Limited:

"Beginning at elevation point 2970 which lies within the northeast one-quarter of section 10, township 21 north, range 9 west Fairbanks meridian;

"thence westerly following the crest of the ridgeline of which elevation point 2970 is a part through sections 10, 9, 8, 7, and 6 of township 21 north, range 9 west Fairbanks meridian to the true point of beginning which is the intersection of the crest of the ridgeline of which elevation point 2970 is a part with the township line which separates section 6, township 21 north, range 9 west Fairbanks meridian and section 1, township 21 north, range 10 west Fairbanks meridian;

"thence from the true point of beginning; westerly following the crest of the ridgeline of which elevation point 2970 is a part through sections 1, 2, 3, 4, 9, 8, 5, 7, and 6 of township 21 north, range 10 west Fairbanks meridian, and through sections 1, 2, and 3 of township 21 north, range 11 west Fairbanks meridian to the intersection of the crest of the aforementioned ridgeline with the crest of the ridgeline which is the watershed boundary between the Hodzana River and west flowing tributaries of the South Fork of the Koyukuk River;

"thence southerly and westerly along the crest of this watershed boundary through sections 3, 10, 15, 16, 17, 20, 21, 29, 32, and 31 of township 21 north, range 11 west Fairbanks meridian, section 36 of township 21 north, range 12 west Fairbanks meridian, sections 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, 36, 34, and 35 of township 20 north, range 12 west Fairbanks meridian, and to the northeast one-quarter of section 3, township 19 north, range 12 west Fairbanks meridian where the crest of the watershed of the Hodzana River turns in an easterly direction and becomes, first the divide between the watershed of the Hodzana and Kanuti Rivers and then the divide between the Hodzana and Dall Rivers;

"thence easterly along the crest of this watershed to the peak of Dall Mountain which lies within the southeast one-quarter of section 1, township 19 north, range 11 west Fairbanks meridian;

"thence northeasterly along the crest of Dall Mountain to the intersection of the crest of Dall Mountain with the line between township 20 north, range 9 west Fairbanks meridian and township 20 north, range 10 west Fairbanks meridian which intersection lies approximately on elevation point 3491, the highest point of Dall Mountain on the eastern line of section 36 township 20 north, range 10 west Fairbanks meridian;

"thence north along the township line between townships 20 and 21 north, ranges 9 and 10 west Fairbanks meridian to the true point of beginning at the intersection of the crest of the heretofore described west trending ridgeline and this township line, which point lies between section 6 township 21 north, range 9 west Fairbanks meridian and section 1 township 21 north, range 10 west Fairbanks meridian.

This description is based upon United States Geological Survey Quadrangle Beaver, Alaska, 1956 with minor revisions 1972, on which land lines represent unsurveyed and unmarked locations predetermined by the Bureau of Land Management folios F-2, F-3, F-6, and F-7 Fairbanks meridian, and United States Geological Survey Quadrangle Bettles, Alaska, 1956 with minor revisions 1973, on which land lines represent unsurveyed and unmarked locations predetermined by the Bureau of Land Management folios F-3, F-4, F-5, and F-6. The use of these quadrangles and the protracted landlines thereon is for purposes of convenience in describing the lands within the Hodzana River Study Area. The actual area is to be within the above-described basin, and should any discrepancy appear upon on the ground determination of the location of the watershed boundary, the watershed boundary shall control, not the landlines protracted upon the aforementioned United States Geological Survey Quadrangles.".

(46) In section 1427(g) of the bill, strike out the words "as amended by section 912 of this Act" and insert in lieu thereof the words "as amended by section 911 of this Act".

(47) Strike out paragraph (6) of section 503(h) of the bill and substitute:

"(6) Upon application of the United States Borax and Chemical Corporation or its successors in interest, the Secretary shall permit the use by such applicant of such limited areas within the Misty Fjords National Monument Wilderness as the Secretary determines to be necessary for activities, including but not limited to the installation, maintenance, and use of navigation aids, docking facilities, and staging and transfer facilities, associated with the development of the mineral deposit at Quartz Hill. Such activities shall not include mineral extraction, milling, or processing. Such activities shall be subject to reasonable regulations issued by the Secretary to protect the values of the monument wilderness.".

(48) Strike out paragraph (8) of section 503(h) of the bill and substitute:

"(8) Designation by section 703 of this Act of the Misty Fjords National Monument Wilderness shall not be deemed to enlarge, diminish, add, or waive any substantive or procedural requirements otherwise applicable to the use of offshore waters adjacent to the Monument Wilderness for activities related to the development of the mineral deposit at Quartz Hill, including, but not limited to, navigation, access, and the disposal of mine tailings produced in connection with such development.".

(49) In section 1427(l) strike out the words "under subsection (g)(3) of this Act" and insert in lieu thereof "under subsection (g)(3) of this section".

Agreed to December 1, 1980.

Dec. 1, 1980
[H. Con. Res. 453]

CORRECTIONS IN ENROLLED BILL H.R. 39

Ante, p. 2371.

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H.R. 39), to provide for the designation and conservation of certain public lands in the State of Alaska, including the designation of units of the National Park, National Wildlife Refuge, National Forest, National Wild and Scenic Rivers, and National Wilderness Preservation Systems, and for other purposes, the Clerk of the House of Representatives shall make the following corrections:

Add at the end of section 1327 of the bill the following:

"PUBLIC LAND ENTRIES IN ALASKA

"SEC. 1328. (a)(1) Subject to valid existing rights, all applications made pursuant to the Acts of June 1, 1938 (52 Stat. 609), May 3, 1927 (44 Stat. 1364), May 14, 1898 (30 Stat. 413), and March 3, 1891 (26 Stat. 1097), which were filed with the Department of the Interior within the time provided by applicable law, and which describe land in Alaska that was available for entry under the aforementioned statutes when such entry occurred, are hereby approved on the one hundred and eightieth day following the effective date of this Act, except where provided otherwise by paragraph (3) or (4) of this subsection, or where the land description of the entry must be adjusted pursuant to subsection (b) of this section, in which cases approval pursuant to the terms of this subsection shall be effective at the time the adjustment becomes final.

"(2) Where an application describes land within the boundaries of a unit of the National Park System or a unit of the National Wildlife Refuge System, or a unit of the National Wilderness Preservation System in the Tongass or Chugach National Forests established before the effective date of this Act or by this Act, and the described land was not withdrawn pursuant to section 11(a)(1) of the Alaska Native Claims Settlement Act, or where an application describes land which has been patented or deeded to the State of Alaska or which on or before the date of entry was validly selected by, tentatively approved, patented, deeded or confirmed to the State of Alaska pursuant to applicable law and was not withdrawn pursuant to section 11(a)(1)(A) of the Alaska Native Claims Settlement Act from those lands made available for selection by section 11(a)(2) of the Act by any Native Village certified as eligible pursuant to section 11(b) of such Act, paragraph (1) of this subsection and subsection (c) of this section shall not apply and the application shall be adjudicated pursuant to the requirements of the Acts referred to in section 1328(a)(1) hereof, the Alaska Native Claims Settlement Act, and other applicable law.

"(3) Paragraph (1) of this subsection and subsection (c) shall not apply and the application shall be adjudicated pursuant to the requirements of the Acts referred to in section 1328(a)(1) hereof, if on or before the one hundred and eightieth day following the effective date of this Act—

"(A) a Native Corporation files a protest with the Secretary of the Interior (the Secretary) stating that the applicant is not entitled to the land described in the application, and said land is withdrawn for selection by the corporation pursuant to the Alaska Native Claims Settlement Act; or

"(B) the State of Alaska files a protest with the Secretary stating that the land described in the application is necessary for access to lands owned by the United States, the State of Alaska, or a political subdivision of the State of Alaska, to resources located thereon, or to a public body of water regularly employed for transportation purposes, and the protest states with specificity the facts upon which the conclusions concerning access are based and that no reasonable alternatives for access exist; or

"(C) a person or entity files a protest with the Secretary stating that the applicant is not entitled to the land described in the application and that said land is the situs of improvements claimed by the person or entity; or

"(D) the State of Alaska files a protest with the Secretary respecting an entry which was made prior to a valid selection, tentative approval, patent, deed, or confirmation to the State of Alaska pursuant to applicable law; or

"(E) regarding public land entries within units of the National Wildlife Refuge System established or expanded in this Act, any such entry not properly made under applicable law, or not the subject of an application filed within the time required by applicable law, or not properly maintained thereafter under applicable law shall be adjudicated pursuant to the Act under which the entry was made.

"(4) Paragraph (1) of this subsection and subsection (c) shall not apply to any application which was knowingly and voluntarily relinquished by the applicant.

"(b) An applicant may amend the land description contained in his or her application if said description designates land other than that which the applicant intended to claim at the time of application and if the description as amended describes the land originally intended to be claimed. If the application is amended, this section shall operate to approve the application or to require its adjudication, as the case may be, with reference to the amended land description only: *Provided,* That the Secretary shall notify the State of Alaska and all interested parties, as shown by the records of the Department of the Interior, of the intended correction of the entry's location, and any such party shall have until the one hundred and eightieth day following the effective date of this Act or sixty days following mailing of the notice, whichever is later, to file with the Department of the Interior a protest as provided in subsection (a)(3) of this section, which protest, if timely, shall be deemed filed within one hundred and eighty days of the effective date of this Act notwithstanding the actual date of filing: *Provided further,* That the Secretary may require that all applications designating land in a specific area be amended, if at all, prior to a date certain which date shall be calculated to allow for orderly adoption of a plan or survey for the specified area, and the Secretary shall mail notification of the final date for amendment to each affected applicant, and shall provide such other notice as the Secretary deems appropriate, at least sixty days prior to said date: *Provided further,* That no application may be amended for location following adoption of a final plan of survey which includes the location of the entry as described in the application or its location as desired by amendment.

"(c) Where the land described in application (or such an application as adjusted or amended pursuant to subsection (b) or (c) of this section), was on that date withdrawn, reserved, or classified for powersite or power-project purposes, notwithstanding such withdrawal, reservation, or classification the described land shall be deemed vacant, unappropriated, and unreserved within the meaning of the Acts referred to in section 1328(a)(1) hereof, and, as such, shall be subject to adjudication or approval pursuant to the terms of this section: *Provided, however,* That if the described land is included as part of a project licensed under part I of the Federal Power Act of June 10, 1920 (41 Stat. 24), as amended, or is presently utilized for purposes of generating or transmitting electrical power or for any other project authorized by Act of Congress, the foregoing provision shall not apply and the application shall be adjudicated pursuant to the appropriate Act: *Provided further,* That where the applicant commenced occupancy of the land after its withdrawal or classification for powersite purposes, the entry shall be made subject to the right of reentry provided the United States by section 24 of the Federal Power Act, as amended: *Provided further,* That any right of reentry reserved in a patent pursuant to this section shall expire twenty years after the effective date of this Act if at that time the land involved is not subject to a license or an application for a license under part I of the Federal Power Act, as amended, or actually utilized or being developed for a purpose authorized by that Act, as amended, or other Act of Congress.

"(d) Prior to issuing a patent for an entry subject to this section, the Secretary shall identify and adjudicate any record entry or application for title to land described in the application, other than the Alaska Native Claims Settlement Act, the Alaska Statehood Act, or the Act of May 17, 1906, as amended, which entry or application claims land also described in the application, and shall determine whether such entry or application represents a valid existing right to which the application is subject. Nothing in this section shall be construed to affect rights, if any, acquired by actual use of the described land prior to its withdrawal or classification, as affecting National Forest lands."

Agreed to December 1, 1980.

CORRECTIONS IN ENROLLED BILL S. 988

Dec. 4, 1980
[S. Con. Res. 136]

Resolved by the Senate (the House of Representatives concurring), **That in the enrollment of the bill (S. 988) entitled the "Health Sciences Promotion Act of 1980", the Secretary of the Senate shall make the following corrections:**

Ante, p. 3183.

(1) In the proposed heading for section 434 of the Public Health Service Act (as contained in section 203(a) of the bill) strike out "INSTITUTES" and insert in lieu thereof "INSTITUTE".

(2) In section 435(a) of the Public Health Service Act (as amended by section 204(c) of the bill) strike out "subsection (d)" and insert in lieu thereof "this subsection".

(3) In section 206 of the bill strike out "304" and insert in lieu thereof "205"

(4) In the proposed section 437(b)(2) of the Public Health Service Act (as contained in section 206 of the bill)—

(A) strike out "(or the director's designee)";

(B) insert after "Defense" the following: "(or the designees of such ex officio members), the Associate Director of the National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases for the diseases for which the Board is established"; and

(C) insert before the period at the end the following: "(or the designees of such ex officio members)".

(5) In the proposed section 437(h)(3) of the Public Health Service Act (as contained in section 206 of the bill) strike out "the Secretary" and insert in lieu thereof "Congress, the Secretary"

(6) In the proposed section 1516(d)(3)(B)(iii) of the Public Health Service Act (as contained in section 302 of the bill)—

(A) insert before ", or" at the end of subclause (I) the following: "unless the population of the area for which it is designated has decreased, unless the level of non-Federal funds on which its grant is computed has decreased, or unless the amount available for its grant is decreased because of an increase in the minimum grant prescribed by subsection (c)(1)(C)"; and

(B) insert before the period at the end of subclause (II) the following: "unless the population of the area for which it is designated has increased, unless the level of non-Federal funds on which its grant is computed has increased, or unless the amount of its grant is increased under subsection (c)(1)(C)".

(7) In the proposed section 1527(h) of the Public Health Service Act (as contained in section 307 of the bill)—

(A) strike out "the change" in paragraph (2)(B)(ii) and insert in lieu thereof "a change"; and

(B) strike out "the change described in subparagraph (A)" in paragraph (3) and insert in lieu thereof "a change described in subparagraph (A), (B), or (C)".

Agreed to December 4, 1980.

STUDY OF FOREIGN LANGUAGES AND CULTURES IN EDUCATIONAL INSTITUTIONS

Dec. 8, 1980
[H. Con. Res. 301]

Whereas a knowledge of other languages and cultures is necessary to keep American business competitive in world trade;

Whereas the continued effectiveness of American foreign policy depends upon diplomatic and intelligence-gathering efforts which are based upon a sound knowledge of the world;

Whereas in our democratic society it is essential for the general public to understand world events so that official policies will reflect the concerns and interests of the American people;

Whereas a knowledge of foreign languages and cultures can help to improve mutual understanding among different ethnic groups and cultures within American society;

Whereas the past decade saw an alarming decline in the study of foreign languages and international issues in the Nation's schools, colleges, and universities, despite the growing importance of these subjects to the welfare of our Nation and our people;

Whereas the Federal Government has not and should not seek to establish education curriculum, but on occasion has urged that certain national needs be dealt with at the State and local level; and

Whereas the President's Commission on Foreign Language and International Studies has recommended that greater emphasis needs to be placed on the study of these subjects: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that local educational agencies and institutions of higher education should consider strengthening the study of foreign languages and cultures through appropriate actions, including the following: the gradual establishment of requirements for the study of foreign languages and cultures for entrance to postsecondary institutions; the addition of proficiency in a foreign language and work in international studies as requirements for college graduation; the improvement of international studies in the curriculum at all levels of education; the encouragement of international exchange programs; the offering of a wider variety of languages at the secondary school level; and the placing of greater emphasis on the teaching of foreign languages and cultures for elementary schoolchildren.

Agreed to December 8, 1980.

"THE ADEQUACY OF THE FEDERAL RESPONSE TO FOREIGN INVESTMENT IN THE UNITED STATES"

Dec. 12, 1980
[H. Con. Res. 449]

Printing of copies.

Resolved by the House of Representatives (the Senate concurring), That there shall be reprinted for the use of the Committee on Government Operations one thousand copies of the report entitled "The Adequacy of the Federal Response to Foreign Investment in the United States".

Agreed to December 12, 1980.

"FUTURE DIRECTIONS FOR AGING POLICY: A HUMAN SERVICE MODEL"

Dec. 12, 1980
[H. Con. Res. 456]

Printing of copies.

Resolved by the House of Representatives (the Senate concurring), That there be printed for the use of the House Select Committee on Aging, one thousand copies of the report "Future Directions for Aging Policy: A Human Service Model", Ninety-sixth Congress.

Agreed to December 12, 1980.

ADJOURNMENT—HOUSE OF REPRESENTATIVES AND SENATE

Dec. 16, 1980
[H. Con. Res. 459]

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress shall adjourn on Tuesday, December 16, 1980, and that when they adjourn on said day, they stand adjourned sine die.

Agreed to December 16, 1980.

Dec. 16, 1980
[H. Con. Res. 460]

CORRECTION IN ENROLLED BILL H.R. 7175

Ante, p. 3635.

Resolved by the House of Representatives (the Senate concurring), **That the President of the United States is requested to return to the House of Representatives the enrolled bill (H.R. 7175) for the relief of the Woodstock Daily Sentinel. The Clerk of the House is authorized to receive such bill if it is returned when the House is not in session. Upon the return of such bill, the action of the Speaker of the House of Representatives and the Acting President pro tempore of the Senate in signing it shall be deemed rescinded and the Clerk of the House shall reenroll the bill with the following correction: In the first section, strike out "Secretary of Defense" and insert in lieu thereof "Secretary of the Treasury".**

Agreed to December 16, 1980.

PROCLAMATIONS

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Proclamation 4711 of January 4, 1980

Staged Reduction of Rates of Duty on Certain Products To Carry Out Trade Agreements With Indonesia, Trinidad and Tobago and With the Countries Forming the Cartegena Agreement

By the President of the United States of America

A Proclamation

1. I have determined, pursuant to section 101(a) of the Trade Act of 1974 (the Trade Act) (19 U.S.C. 2111(a)), that certain existing duties of the United States are unduly burdening and restricting the foreign trade of the United States and that one or more of the purposes of the Trade Act would be promoted by entering into the trade agreements identified in the third recital of this proclamation.

19 USC 2101.

2. Sections 131(a), 132, and 133, 134, 135, and 161(b) of the Trade Act (19 U.S.C. 2151(a), 2152, 2153, 2154, 2155 and 2211(b)) and section 4(c) of Executive Order No. 11846 of March 27, 1975, have been complied with.

19 USC 2111 note.

3. Pursuant to Title I of the Trade Act (19 U.S.C. 2111 *et seq.*), I have, through my duly empowered representative, entered into product-specific trade agreements with Indonesia, on November 29, 1979, with Trinidad and Tobago on December 19, 1979, and with the countries forming the Cartegena Agreement on December 14, 1979, pursuant to which United States rates of duty on certain products would be modified as hereinafter proclaimed and as provided for in the annexes to this proclamation, in exchange for certain measures which will benefit United States interests.

4. In order to implement the trade agreements referred to in the third recital of this proclamation it is necessary to modify the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202) as provided for in the annexes to this proclamation, attached hereto and made a part hereof.

5. Pursuant to section 855(a) of the Trade Agreements Act of 1979 (93 Stat. 295), I have determined that, in the case of bitters containing spirits classified under item 168.12 of the TSUS, adequate reciprocal concessions have been received, under the trade agreement identified in the third recital of this proclamation which was entered into under the Trade Act of 1974, with Trinidad and Tobago, for the application of the rate of duty appearing in rate column numbered 1 for such item on January 1, 1979, or the comparable item determined on a proof gallon basis.

6. Each modification of existing duty proclaimed herein which provides with respect to an article for a decrease in duty below the limitation specified in section 101(b)(i) of the Trade Act of 1974 (19 U.S.C. 2111(b)(i)) is authorized by one or more of the following provisions or statutes:

(a) Section 101(b)(2) of the Trade Act of 1974 (19 U.S.C. 2111(b)(2)), by virtue of the fact that the rate of duty existing on January 1, 1975, applicable to the article was not more than 5 percent as valorem (or ad valorem equivalent);

(b) Section 109 of the Trade Act of 1974 (19 U.S.C. 2119(b)), by virtue of the fact that I have determined, pursuant to that section, that the decrease authorized by that section will simplify the computation of the amount of duty imposed with respect to the article; and

(c) Section 855(a) of the Trade Agreements Act of 1979 (93 Stat. 295) by virtue of the authority in such section for specified concessions based on reciprocity.

19 USC 2101. 7. Pursuant to the Trade Act, I determine that the modifications or continuances of existing duties hereinafter proclaimed are required or appropriate to carry out the trade agreements identified in the third recital of this proclamation.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes, including sections 101, 105, 109, and 604 of the Trade Act (19 U.S.C. 2111, 2115, 2119, and 2483), and Titles V and VIII of the Trade Agreements Act of 1979 (93 Stat. 250) do proclaim, subject to any applicable provisions of the agreements identified in the third recital of this proclamation and of the United States law, that— 93 Stat. 273.

19 USC 1202. (1) The TSUS is modified as provided in Annexes I and II to this proclamation.

(2) Each of the modifications to the TSUS made by this proclamation shall be effective as to articles entered, or withdrawn from warehouse, for consumption on and after January 1, 1980.

(3) The rate of duty applicable to TSUS item 168.12 has been reduced under section 101 of the Trade Act of 1974 (19 U.S.C. 2111), as indicated in Annex II, from the rate of duty appearing in rate column numbered 1 on January 1, 1979, for the comparable item determined on a proof gallon basis.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of January, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Annex I

Notes:

1. A rate of duty specifically set forth in this Annex which does not reflect a concession granted in the Trade Agreement with Indonesia is enclosed in brackets. Additional bracketed matter is included to assist in the understanding of proclaimed modifications.

2. The items and superior descriptions in this annex are set forth in columnar form, and material in such columns is inserted in the columns designated, "Item", "Articles", "Rates of Duty 1", and "Rates of Duty 2", respectively, in the Tariff Schedules of the United States.

Subject to the above notes and to the insertion, as indicated herein, of the appropriate rates of duty set forth in Annex II to this proclamation, the Tariff Schedules of the United States are modified as follows:

Schedule 1, Part 13

1. Item 170.65 is superseded by:

"	Cigarettes:		
170.63	Containing clove	[See Annex II]	[$4.50 per lb. + 25% ad val.]
170.64	Other	[$1.06 per lb. + 5% ad val.]	[$4.50 per lb. + 25% ad val.]

Schedule 1, Part 15, Subpart B

2. Schedule 1, part 5A is modified by adding the following new item in numerical sequence:

" 182.49	Shrimp chips	[See Annex II]	20% ad val.]

Annex II

Staged-rate Modifications of the Tariff Schedules of the United States

Each rate in the following table, for an item in the Tariff Schedules of the United States (TSUS) identified therein, is inserted in column numbered 1 in such item, effective for articles provided for therein which are entered, or withdrawn from warehouse, for consumption on and after the date at the head of the column in which such rate is set forth and, except for rates in the final column, such rate shall be superseded by the rate for that item in the immediately following column, effective for articles which are entered, or withdrawn from warehouse, for consumption on and after the date at the head of such latter column.

Item in TSUS as modified by Annex I	Rate from which staged	Rates of duty effective on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
146.42	3.5% ad val	3.1% ad val	2.6% ad val	2.2% ad val	1.8% ad val	1.3% ad val	0.9% ad val	0.4% ad val	Free
152.00	7% ad val	6.5% ad val	6% ad val	5.4% ad val	4.9% ad val	4.4% ad val	3.9% ad val	3.3% ad val	2.8% ad val
161.43	9¢ per lb	7.8¢ per lb	6.7¢ per lb	5.6¢ per lb	4.5¢ per lb	3.3¢ per lb	2.2¢ per lb	1.1¢ per lb	Free
161.85	1.5¢ per lb	1.3¢ per lb	1.1¢ per lb	0.9¢ per lb	0.7¢ per lb	0.5¢ per lb	0.3¢ per lb	0.1¢ per lb	Free
168.12	94¢ per proof gal	76¢ per proof gal	58¢ per proof gal	40¢ per proof gal	38¢ per proof gal	38¢ per proof gal	38¢ per proof gal	38¢ per proof gal	38¢ per proof gal
168.13	94¢ per proof gal	76¢ per proof gal	58¢ per proof gal	40¢ per proof gal	38¢ per proof gal	38¢ per proof gal	38¢ per proof gal	38¢ per proof gal	38¢ per proof gal
170.83	$1.06 per lb + 5% ad val	98¢ per lb + 4.6% ad val	90¢ per lb + 4.3% ad val	82¢ per lb + 3.9% ad val	74¢ per lb + 3.5% ad val	66¢ per lb + 3.1% ad val	58¢ per lb + 2.8% ad val	50¢ per lb + 2.4% ad val	42¢ per lb + 2% ad val
182.49	10% ad val	9.3% ad val	8.5% ad val	7.8% ad val	7% ad val	6.3% ad val	5.5% ad val	4.8% ad val	4% ad val
184.85	5.5% ad val	5.2% ad val	3% ad val	3% ad val	3% ad val	3% ad val	3% ad val	3% ad val	3% ad val
193.10	6¢ per lb	5.6¢ per lb	5.2¢ per lb	4.8¢ per lb	4.5¢ per lb	4.1¢ per lb	3.7¢ per lb	3.3¢ per lb	3¢ per lb
253.20	4.7% ad val	4.1% ad val	3.5% ad val	2.9% ad val	2.4% ad val	1.8% ad val	1.2% ad val	0.6% ad val	Free
661.68	6% ad val	5.8% ad val	5.6% ad val	5.3% ad val	5.1% ad val	4.9% ad val	4.7% ad val	4.4% ad val	4.2% ad val
664.10	5% ad val	4.6% ad val	4.3% ad val	3.9% ad val	3.5% ad val	3.1% ad val	2.8% ad val	2.4% ad val	2% ad val
688.04	8.5% ad val	5.3% ad val	5.3% ad val	5.3% ad val	5.3% ad val	5.3% ad val	5.3% ad val	5.3% ad val	5.3% ad val
702.25	85¢ per doz + 8.5% ad val	78¢ per doz + 7.9% ad val	72¢ per doz + 7.2% ad val	65¢ per doz + 6.6% ad val	58¢ per doz + 6% ad val	53¢ per doz + 5.3% ad val	46¢ per doz + 4.7% ad val	40¢ per doz + 4% ad val	34¢ per doz + 3.4% ad val
702.35	6.25% ad val	5.8% ad val	5.3% ad val	4.9% ad val	4.4% ad val	3.9% ad val	3.4% ad val	3% ad val	2.5% ad val
702.40	6¢ per doz + 5% ad val	5.5¢ per doz + 4.6% ad val	5.1¢ per doz + 4.3% ad val	4.6¢ per doz + 3.9% ad val	4.2¢ per doz + 3.5% ad val	3.7¢ per doz + 3.1% ad val	3.3¢ per doz + 2.8% ad val	2.8¢ per doz + 2.4% ad val	2.4¢ per doz + 2% ad val

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Proclamation 4712 of January 11, 1980

George Meany

By the President of the United States of America

A Proclamation

At a time when freedom is once again under challenge around the world, we will remember George Meany. We will remember him as the symbol of a vibrant free trade union movement. We will remember him as the champion of the highest values of our democracy. In a career that exceeded a half century, George Meany changed the shape of America for the better in hundreds of ways, great and small, through the force of his character and through the integrity of his beliefs.

The modern American labor movement—strong, united and free—is George Meany's enduring legacy to our Nation. It is proper and fitting that we honor his memory today and that we remember his many contributions to our Nation.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, by virtue of the authority vested in me as Commander-in-Chief of the Armed Forces (36 U.S.C. 178) do hereby proclaim that, as a mark of respect to the memory of George Meany and his numerous contributions to our Nation, the flag of the United States shall be flown at half-staff on all buildings, grounds and naval vessels of the Federal government in the District of Columbia and throughout the United States and its Territories and possessions until his interment.

I also direct that the flag shall be flown at half-staff for the same length of time at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of January, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4713 of January 16, 1980

Temporary Duty Increase on the Importation Into the United States of Certain Nonelectric Cooking Ware of Steel

By the President of the United States

A Proclamation

1. Pursuant to section 201(d)(1) of the Trade Act of 1974 (the Trade Act) (19 U.S.C. 2251(d)(1)), the United States International Trade Commission (USITC), on November 5, 1979, reported to the President (USITC Report 201–39) the results of its investigation under section 201(b) of the Trade Act (19 U.S.C. 2251(b)). The USITC determined that nonelectric cooking ware of steel, enameled or glazed with vitreous glasses, is being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing articles like or directly competitive with the imported articles. The subject articles are now provided for in item 654.02 of the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202) (formerly provided for in item 653.97, TSUS). The USITC recommended the imposition of additional duties on imports of the above specified articles.

2. On January 2, 1980, pursuant to section 202(b)(1) of the Trade Act (19 U.S.C..2252(b)(1)), and after taking into account the considerations specified in section 202(c) of the Trade Act (19 U.S.C. 2252(c)), I determined to remedy or prevent the injury or threat thereof, found to exist by the USITC, by proclaiming a temporary duty increase. On January 2, 1980, in accordance with section 203(b)(1) of the Trade Act (19 U.S.C. 2253(b)(1)), I transmitted a report to the Congress setting forth my determination and intention to proclaim a temporary duty increase and stating the reasons why my decision differed from the action recommended by the USITC.

3. Section 503(c)(2) of the Trade Act (19 U.S.C. 2463(c)(2)) provides that no article shall be eligible for purposes of the Generalized System of Preferences (GSP) for any period during which such article is the subject of any action proclaimed pursuant to section 203 of the Trade Act (19 U.S.C. 2253).

4. Section 203(e)(1) of the Trade Act (19 U.S.C. 2253(e)(1)) requires that import relief be proclaimed and take effect within 15 days after the import relief determination date.

5. Pursuant to sections 203(a)(1) and 203(e)(1) of the Trade Act (19 U.S.C. 2253(a)(1) and 2253(e)(1)), I am providing import relief through the temporary increase of the import duty on certain nonelectric cooking ware of steel, as hereinafter proclaimed.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes of the United States, including General Headnote 4 of the TSUS (19 U.S.C. 1202), section 604 and section 203 of the Trade Act (19 U.S.C. 2483; and 19 U.S.C. 2253), and in accordance with Articles I and XIX of the General Agreement on Tariffs and Trade (GATT) (61 Stat. (pt. 5) A12 and 61 Stat. (pt. 5) A58; 8 UST (pt. 2) 1786), do proclaim that—

61 Stat. A1157. (1) Part I of Schedule XX to the GATT is modified to conform to the actions taken as set forth in the Annex to this proclamation.

(2) Subpart A, part 2 of the Appendix to the TSUS is modified as set forth in the Annex to this proclamation. 19 USC 1202.

(3) GSP eligibility is suspended for the nonelectric cooking ware of steel classified under TSUS item 923.60 as added by the Annex to this proclamation for such time as the import relief provided for therein is in effect.

(4) This proclamation shall be effective as to articles entered, or withdrawn from warehouse, for consumption on or after January 17, 1980, and before the close of January 16, 1984, unless the period of its effectiveness is earlier expressly suspended, modified or terminated.

(5) The Commissioner of Customs shall take such action as the U.S. Trade Representative shall direct in the implementation and administration of the import relief herein proclaimed.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of January, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

ANNEX

Subpart A, part 2 of the Appendix to the TSUS (19 U.S.C. 1202) is modified—

(1) by adding the following new headnote 7:

"7. *United States International Trade Commission (USITC) surveys on certain nonelectric cooking ware of steel*—The USITC shall conduct surveys with respect to cooking ware of the type subject to temporary duty increases under item 923.60 as follows:

"(a) *Semiannually*—Surveys semiannually to obtain periodic data on U.S. production; U.S. producers' domestic, export, and total shipments, imports, apparent U.S. consumption, employment, and man-hours. The initial survey shall cover the last half of 1979 and the first half of 1980, the last such survey shall cover the semiannual period which ends not less than 60 days prior to the termination of the import relief. The results of the surveys shall be published and transmitted to the U.S. Trade Representative within 60 days of the end of each survey period

"(b) *Annually*—Annual surveys to obtain from domestic producers annual data on profits, capital expenditures, capacity, and capacity utilization. The initial survey shall cover calendar year 1979, and the results of this and subsequent surveys shall be published and transmitted to the U.S. Trade Representative by the end of the first quarter of each year thereafter so long as the import relief is in effect." and

(2) by inserting in numerical sequence the following new provision:

Item	Articles	Rates of Duty				
		1				2
"923.60	Cooking ware (except teakettles) of steel, not having self-contained electrical heating elements, enameled or glazed with vitreous glasses, and valued not over $2.25 per pound, provided for in item 654.02	Effective on or after January 17, —				
		1980	1981	1982	1983	
		The rate provided for in item 654.02 + 20¢ per lb., but the total duty shall not exceed 53.3% ad val.	The rate provided for in item 654.02 + 20¢ per lb., but the total duty shall not exceed 53.3% ad val.	The rate provided for in item 654.02 + 15¢ per lb., but the total duty shall not exceed 53.3% ad val.	The rate provided for in item 654.02 + 10¢ per lb., but the total duty shall not exceed 53.3% ad val.	35.5% ad val., but not less than the rate which would have applied had the imported article been subject to the applicable column 1 rate of duty provided herein for this item."

Editorial Note: The text of the President's letters to the Speaker of the House and the President of the Senate, and a memorandum for the Special Representative for Trade Negotiations, both dated Jan. 2, 1980, on the American porcelain-on-steel cookware industry, is printed in the Weekly Compilation of Presidential Documents (vol. 16, p. 2–3).

Proclamation 4714 of January 18, 1980

Temporary Duty Increase on the Importation Into the United States of Certain Anhydrous Ammonia From the Union of Soviet Socialist Republics

By the President of the United States of America

A Proclamation

1. Pursuant to sections 406(c), 202, and 203 of the Trade Act of 1974 (the Trade Act) (19 U.S.C. 2436(c), 2252 and 2253), I hereby find that there are reasonable grounds to believe, with respect to imports of anhydrous ammonia from the Union of Soviet Socialist Republics (U.S.S.R.) provided for in items 417.22 and 480.65 of the Tariff Schedules of the United States (TSUS), that market disruption exists with respect to articles produced by a domestic industry and that emergency action is necessary. 19 USC 1202.

2. Recent events have altered the international economic conditions under which I made my determination that it was not in the national interest to impose import relief on anhydrous ammonia from the U.S.S.R. as recommended by the United States International Trade Commission (USITC) on October 11, 1979. However, the factual basis upon which USITC made its determination of market disruption still exists.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes of the United States, including sections 604, 406(c), 202 and 203 of the Trade Act (19 U.S.C. 2483, 2436(c), 2252, and 2253), do proclaim that— USC prec. title 1.

(1) Subpart A, part 2 of the Appendix to the TSUS is modified as set forth in the Annex to this proclamation. 19 USC 1202.

(2) This proclamation shall be effective as to articles entered, or withdrawn from warehouse, for consumption on or after the third day following the date of publication of this Proclamation in the **Federal Register** and shall remain in effect for one year unless the period of its effectiveness is earlier expressly suspended, modified or terminated, but in any event not longer than authorized by section 406(c) of the Trade Act. 19 USC 2436.

(3) The Commissioner of Customs shall take such action as the U.S. Trade Representative shall direct in the implementation and administration of the import relief herein proclaimed.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of January in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

ANNEX

Subpart A, part 2 of the Appendix to the TSUS is modified by inserting the following new provision in numerical sequence:

Item	Articles	Quota quantity (in short tons)
	"Whenever the aggregate quantity of anhydrous ammonia specified below for item 923.10, the product of the Union of Soviet Socialist Republics (U.S.S.R.), has been entered during the period January 24, 1980 to January 24, 1981, no anhydrous ammonia in such item, the product of such country, may be entered during the remainder of such period:	
923.10	Anhydrous ammonia, provided for in items 417.22 and 480.65	1,000,000"

Proclamation 4715 of January 19, 1980

William O. Douglas

By the President of the United States of America

A Proclamation

William O. Douglas served on the Supreme Court longer than any Justice in American history—more than 36 years. During all that time, individual freedom in this country had no mightier champion. As he wrote in more than one of his opinions, "The essential scheme of our Constitution and Bill of Rights was to take Government off the backs of people."

The freedom which Justice Douglas cherished—and which he struggled to preserve for all Americans—faces constant testing. Now, as our Nation gathers to meet yet another test, it is fitting that we pause to honor William Douglas and to remember his many contributions to our country.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, by virtue of the authority vested in me, do hereby proclaim that, as a mark of respect to the memory of William O. Douglas and his numerous contributions to our Nation, the flag of the United States shall be flown at half-staff on all buildings, grounds and naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions until his interment.

I also direct that the flag shall be flown at half-staff for the same length of time at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of January, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Editorial Note: The President's statement of Jan. 19, 1980, on the death of William O. Douglas, is printed in the Weekly Compilation of Presidential Documents (vol. 16, p. 105).

Proclamation 4716 of January 22, 1980

American Heart Month, 1980

By the President of the United States of America

A Proclamation

Diseases of the heart and blood vessels remain our Nation's leading cause of death and disability and one of our most serious health problems. Collectively, cardiovascular diseases affect more than 40 million Americans, visiting partial or complete disability on several millions of them and causing nearly 980,000 deaths each year.

Since 1948, this Nation has been engaged in a concerted effort to acquire new knowledge about the cardiovascular system and the diseases that afflict it; to disseminate that knowledge to the research and medical communities and to the general public; and to mobilize resources, facilities, and research and medical manpower toward the goal of reducing illness, disability, and premature death from cardiovascular disorders.

Leading this national effort have been the National Heart, Lung, and Blood Institute—a federal agency—and the American Heart Association, supported by private contributions; but it has been a cooperative endeavor involving the participation of a great many agencies and groups and enjoying the confidence and continued support of the American people.

Widespread application of research and clinical advances stemming from this effort is having substantial and salutary effects on cardiovascular disease mortality rates, which have declined by 34 percent since 1950. These mortality-rate decreases extend across the whole spectrum of cardiovascular diseases and, in most categories, have accelerated during recent years.

Since 1968, for example, the mortality rate for coronary heart disease has declined by 26 percent and that for stroke by 37 percent. These reductions represent more than three hundred thousand lives saved each year, because these two disorders account for nearly 84 percent of all cardiovascular disease deaths.

Recognizing the need for all Americans to help in the continuing battle against cardiovascular disease, the Congress, by joint resolution approved December 30, 1963 (77 Stat. 843; 26 U.S.C. 169b) has requested the President to issue annually a proclamation designating February as American Heart Month.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby proclaim the month of February, 1980, as American Heart Month. I invite the Governors of the States, the appropriate officials of all other areas subject to the jurisdiction of the United States and the American people to join with me in reaffirming our commitment to the search for new ways to prevent, detect and control cardiovascular disease in all its forms.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of January, in the year of our Lord Nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4717 of January 23, 1980

Red Cross Month, 1980

By the President of the United States of America

A Proclamation

For nearly a century now, the American Red Cross has been an expression of the brotherhood of man. Its humanitarian efforts transcend not only geographical boundaries but also those of political ideology. This past year our Red Cross could be found at work among the hundreds of thousands of Cambodians who sought refuge from hunger and disease in Thai refugee camps. Similarly, it provided aid, through the International Red Cross, to the civilian population of strife-torn Nicaragua and it brought assistance to the "boat people" of Southeast Asia.

Here at home, the Red Cross mobilized a vast relief program along the Gulf Coast to help the thousands of our fellow citizens whose homes were destroyed or damaged by a series of hurricanes. In so doing it strained its financial resources, expending in a three-month period a budget meant to last for a year.

In addition to easing the suffering of disaster victims, the Red Cross provides more than one-half of our need for blood; teaches us first aid, water safety, and proper care of the ill and injured; and comes to the aid of the men and women in our armed forces and of veterans and their families.

The month of March is traditionally observed as Red Cross Month. It is a time to honor those who make this precious humanitarian work possible: the Red Cross volunteer, our neighbor.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America and Honorary Chairman of the American National Red Cross, do hereby designate March 1980 as Red Cross Month. I urge all Americans to "Help Keep Red Cross Ready" by giving generous support to their local Red Cross Chapter.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of January, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Editorial Note: The President's memorandum dated Jan. 23, 1980, on Red Cross Month, is printed in the Weekly Compilation of Presidential Documents (vol. 16, p. 193).

Proclamation 4718 of January 28, 1980

Save Your Vision Week, 1980

By the President of the United States of America

A Proclamation

Good vision, like good health generally, contributes much to the enjoyment of life. Our ability to see affects how we learn, how we work and play, how we relate to others, and how well we are able to function in an increasingly complex society. Yet most people take good eyesight for granted. Just as we have come to recognize the need to take a more active role in maintaining the health of our bodies through diet and exercise, we should also take time to consider what can be done to take care of our eyes and to protect our vision. With proper care and attention, many of the serious eye problems that affect both young and old can be prevented.

Prevention of eye disease begins even before birth with adequate nutrition and prenatal care for the mother. During early childhood and later in life, periodic eye examinations can reveal certain potentially blinding eye conditions early enough to permit successful treatment. This is particularly true in families where there is a history of claucoma or in people who have diabetes. With professional eye care, it is even possible to restore sight to some people who are already blind or to help those with partial sight make the most of their remaining vision.

In addition to obtaining professional eye care when needed, each of us must take responsibility for protecting our eyes from injury. Protective eyeglasses or safety goggles should be worn in hazardous situations at work and while participating in many recreational activities. In the home, precautions should be taken to avoid injury to the eyes from household products, appliances, and cosmetics.

To increase awareness of the importance of good vision and the ways in which we can help to preserve our eyesight, the Congress, by joint resolution approved December 30, 1963 (77 Stat. 629, 36 U.S.C. 169a), has requested the President to proclaim the first week of March of each year as Save Your Vision Week.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate the week beginning March 2, 1980, as Save Your Vision Week. I urge all Americans to participate in the observance of this period by pausing to consider what they can do to take care of their eyes. I invite vision care professionals, the communications media, educators, and all public and private organizations that support sight conservation to participate in activities that will teach Americans about eye care and encourage them to take steps to preserve and make the most of their vision.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of January, in the year of our Lord nineteen hundred eighty, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4719 of January 29, 1980

National Poison Prevention Week, 1980

By the President of the United States of America

A Proclamation

The past nineteen years have seen great progress in reducing accidental poisonings among children. Educational programs and the use of safety packaging have contributed considerably to the reduction in the number and severity of poisonings.

But this progress should not occasion complacency. It is estimated that over 80,000 children under five years of age will accidentally ingest potentially poisonous substances during 1980. These accidents will occur because of the monentary carelessness of parents and guardians, and because of ignorance of poison hazards in the home.

Protecting the lives and health of our children requires continued vigilance and increased efforts to educate every citizen to the dangers of accidental ingestion of drugs and common household products. By joint resolution of September 26, 1961 (75 Stat. 681, 36 U.S.C. 165), Congress has requested the President to issue annually a proclamation designating the third week in March as National Poison Prevention Week.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, designate the week beginning March 16, 1980, as National Poison Prevention Week.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of January, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4720 of February 1, 1980

Modification of Tariffs on Certain Sugars, Sirups, and Molasses

By the President of the United States of America

A Proclamation

1. Headnote 2 of Subpart A of Part 10 of Schedule 1 of the Tariff Schedules of the United States, hereinafter referred to as the "TSUS", provides, in relevant part, as follows: 19 USC 1202.

"(i) . . . if the President finds that a particular rate not lower than such January 1, 1968, rate, limited by a particular quota, may be established for any articles provided for in item 155.20 or 155.30, which will give due consideration to the interests in the United States sugar market of domestic producers and materially affected contracting parties to the General Agreement on Tariffs and Trade, he shall proclaim such particular rate and such quota limitation, . . ." 61 Stat. A3.

"(ii) . . . any rate and quota limitation so established shall be modified if the President finds and proclaims that such modification is required or appropriate to give effect to the above consideration; . . ."

2. I find that the modifications hereinafter proclaimed of the rates of duty applicable to items 155.20 and 155.30 of the TSUS give due consideration to the interests in the United States sugar market of domestic producers and materially affected contracting parties to the General Agreement on Tariffs and Trade.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, by the authority vested in me by the Constitution and statutes, 19 USC 1821. including section 201 of the Trade Expansion Act of 1962, and pursuant to General Headnote 4 and Headnote 2 of Subpart A of Part 10 of Schedule 1 of the TSUS, do hereby proclaim until otherwise superseded by law:

A. The rates of duty in rate columns 1 and 2 for items 155.20 and 155.30 of Subpart A of Part 10 of Schedule 1 of the TSUS are modified and the following rates are established:

	Rates of Duty	
	1	2
155.20	0.6625¢ per lb. less 0.009375¢ per lb. for each degree under 100 degrees (and fractions of a degree in proportion) but not less than 0.428125¢ per lb.	1.987¢ per lb. less 0.028125¢ per lb. for each degree under 100 degrees (and fractions of a degree in proportion) but not less than 1.284375¢ per lb.
155.30	Dutiable on total sugar at the rate per lb. applicable under Item 155.20 to sugar testing 100 degrees.	Dutiable on total sugars at the rate per lb. applicable under Item 155.20 to sugar testing 100 degrees.

B. Those parts of Proclamation 4334 of November 16, 1974, Proclamation 4463 of September 21, 1976, Proclamation 4466 of October 4, 1976, and Proclamation 4539 of November 11, 1977, which are inconsistent with the provisions of paragraph (A) above are hereby terminated. 19 USC 1202.

C. The provisions of this Proclamation shall apply to articles entered, or withdrawn from warehouse, for consumption on and after the date of this Proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of February, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4721 of February 5, 1980

National Inventors' Day, 1980

By the President of the United States of America

A Proclamation

USC prec. title 1. Section 8 of Article I of our Constitution provides that the Congress shall have the power "to promote the progress of science and useful arts" by giving inventors, for a limited time, the exclusive right to their discoveries. The First Congress enacted legislation to this end, which, when signed by President George Washington on April 10, 1790, became the first United States patent law. 1 Stat. 109.

The patent incentive has prompted thousands of individuals to create, perfect, and bring to the marketplace inventions that have contributed to our health and welfare and to the productivity of our labor.

A recent review of the status of domestic industrial innovation, conducted at my request, confirms the vital role the patent system plays in the advancement of American technology.

February 11 is an especially significant date in the history of American invention because it marks the birth of Thomas Alva Edison, who, among other things, perfected and patented the first practical incandescent lamp. His ingenuity changed the lives of people in America and all over the world. In honor of the critical role played by inventors in promoting progress, and in recognition of their contributions to the welfare of this Nation, I have designated February 11, 1980, as "National Inventors' Day."

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby call upon and urge the people of the United States to honor all inventors by joining me in observing February 11, 1980, National Inventors' Day, with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of February, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4722 of February 14, 1980

World Trade Week, 1980

By the President of the United States of America

A Proclamation

The United States has set out with vigor and determination to implement the historic trade agreements concluded in the Tokyo Round of the Multilateral Trade Negotiations. The Administration has conducted a major reorganization of the Federal Government's trade functions in order to take greater advantage of the opportunities these agreements offer. The 1980s begin to emerge as a time both of challenge and renaissance in the world of international commerce. They will be America's decade for trade.

Expanded world trade contributes to the growth of economies throughout the world and opens new avenues of cooperation that serve us in our quest for peace and human rights.

Increased U.S. exports will mean more jobs for American workers, new markets for American business, more secure income for American farmers, a strengthened American dollar and lower costs for American consumers. Trade promotes our economic health and moves us closer to our goal of a prosperous and secure America at peace with the world.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby proclaim the week beginning May 18, 1980, as World Trade Week, and I request all Americans to cooperate in observing that week by participating with the business community and all levels of Government in activities that emphasize the importance of world trade to the United States economy and to our relations with other nations.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of February, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4723 of February 19, 1980

Small Business Week, 1980

By the President of the United States of America

A Proclamation

Small business has long played a vital role in our Nation's economy and way of life. This past January, I was honored to participate in the first White House Conference on Small Business. I had the opportunity to hear first-hand, the ideas, problems and aspirations of men and women from the small business community. As a former small businessman, I was impressed with their energy, determination, and above all, their hope for the future of our country.

The small business community constitutes the single most important segment of our free enterprise system. It accounts for forty-eight percent of our gross national product, more than half of the American labor force, and continues to be the major source of inventions and new jobs. Small business is truly the backbone of the American economy. I urge my fellow citizens to learn more about its role and importance in our society.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby proclaim the week beginning May 11, 1980, as Small Business Week, and I urgently call on every American to join me in this very special tribute.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of February, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4724 of February 19, 1980

Iwo Jima Commemoration Day

By the President of the United States of America

A Proclamation

Thirty-five years ago Americans were pitted in battle on a small, barren island called Iwo Jima. The standard of courage established by the men of the V Marine Amphibious Corps in that battle is unsurpassed.

Because we now enjoy the blessings of the freedom for which those men sacrificed so much, it is appropriate for us to reflect upon the high price of that freedom. For 35 days, men of the 3rd, 4th and 5th Marine Divisions fought to secure the strategic island of Iwo Jima. The cost of the eventual American victory was the highest in Marine Corps history: 5,931 dead and 17,272 wounded. Of the over 20,000 Japanese defenders on Iwo Jima, only 1,083 survived. But the victors and the vanquished alike shared uncommon valor as a common virtue.

The Congress has by Joint Resolution (H.J. Res. 469) designated February 19, 1980 as Iwo Jima Commemoration Day. *Ante*, p. 64.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate Tuesday, February 19, 1980 as Iwo Jima Commemoration Day. I call on all Americans to join on this occasion in honoring those Americans who served on Iwo Jima. I call on State and local officials and private organizations to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of February, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4725 of February 19, 1980

Honoring the Memory of Walt Disney

By the President of the United States of America

A Proclamation

In the world of entertainment no name is more widely known than that of Walt Disney. For nearly fifty years, his creations brought us laughter and love, joy and gladness. The products of his imagination will enthrall and delight many more generations of children of all ages in every country on earth.

The House of Representatives, by a joint resolution of February 13, 1980, has requested the President to issue a proclamation honoring the memory of Walt Disney for his contribution to the American dream. *Ante*, p. 65.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby call upon the people of this Nation to recall the accomplishments of Walt Disney and to honor his memory on February 19, 1980.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of February, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4726 of February 21, 1980

Application of Certain Laws of the United States to the Northern Mariana Islands

By the President of the United States of America

A Proclamation

The Northern Mariana Islands, as part of the Trust Territory of the Pacific Islands, are administered by the United States under a Trusteeship Agreement between the United States and the Security Council of the United Nations (61 Stat. 3301). Pursuant to Article 6, paragraph 2 of the Trusteeship

61 Stat. 3302.

Agreement, the United States has undertaken to promote the economic advancement and self-sufficiency of the inhabitants and to encourage the development of the fisheries of the Trust Territory of the Pacific Islands.

48 USC 1681 note.

48 USC 1681 note.

The United States and the Northern Mariana Islands have entered into a Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (Public Law 94–241; 90 Stat. 263) pursuant to which many provisions of the laws of the United States have become applicable to the Northern Mariana Islands as of January 9, 1978 (Proclamation No. 4534, Sec. 2). Section 1004(a) of the Covenant provides that if the President finds a provision of the Constitution or laws of the United States to be inconsistent with the Trusteeship Agreement, the application of that provision to the Northern Mariana Islands may be suspended until the termination of that Agreement.

Certain provisions of the vessel documentation laws of the United States, applicable to the Northern Mariana Islands, prevent citizens of the Northern Mariana Islands and the Government of the Northern Mariana Islands from using foreign-built, United States registered fishing vessels owned by such citizens or owned by or in the custody of the Government of the Northern Mariana Islands to fish in the territorial sea and fishery conservation zone around the Northern Mariana Islands and to land their catch of fish in the Northern Mariana Islands. Because of the considerable distance of the Northern Mariana Islands from American shipyards and resultant high transportation costs associated with the purchase of American-built ships for use in the Northern Marianas fisheries, this result is inconsistent with the undertakings assumed by the United States in the Trusteeship Agreement to provide for the economic advancement and self-sufficiency of the inhabitants and to encourage the development of the fisheries of the Northern Mariana Islands.

48 USC 1681 note.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, by the authority vested in me by the Constitution and laws of the United States, including Section 1004(a) of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, do hereby find, declare and proclaim as follows:

1. Any provision of the vessel documentation laws of the United States which prevents the citizens of the Northern Mariana Islands or the Government of the Northern Mariana Islands from using foreign-built, United States registered fishing vessels, owned by such citizens or owned by or in the custody of the Government of the Northern Mariana Islands, to fish in the territorial sea and fishery conservation zone around the Northern Mariana Islands and to land their catch of fish in the Northern Mariana Islands, including that part of R.S. 4132, as amended, 46 U.S.C. 11, which reads "* * * which are to engage only in trade with foreign countries, with the Islands of Guam, Tutuila, Wake, Midway, and Kingman Reef * * *," would be inconsistent with the objectives of the Trusteeship Agreement to the extent it has this effect.

2. The application of any such provision to foreign-built, United States registered fishing vessels owned by citizens of the Northern Mariana Islands or owned by or in the custody of the Government of the Northern Mariana Islands, is suspended to the extent it is inconsistent as described in Section 1 above until the termination of the Trusteeship Agreement for the Former Japanese Mandated Islands in the Pacific (61 Stat. 3301). Foreign-built fishing vessels owned by citizens of the Northern Mariana Islands or owned by or in the custody of the Government of the Northern Mariana Islands may therefore be registered under R.S. 4132, as amended, 46 U.S.C. 11, and any restrictive endorsement upon such register, prescribed by 46 CFR 67.63–9(b)

pursuant to 46 U.S.C. 11, shall be without effect insofar as it would prevent the citizens of the Northern Mariana Islands or the Government of the Northern Mariana Islands from using foreign-built, United States registered fishing vessels owned by such citizens or owned by or in the custody of the Government of the Northern Mariana Islands to fish in the territorial sea and fishery conservation zone surrounding the Northern Mariana Islands and to land their catch of fish in the Northern Mariana Islands.

3. For the purposes of this proclamation, the seaward limit of the fishery conservation zone surrounding the Northern Mariana Islands is 200 nautical miles from the baseline from which the breadth of the territorial sea is measured, except that to the north of the Northern Mariana Islands, the limit of the fishery conservation zone shall be determined by straight lines connecting the following points:

1. 20°52'42"N., 141°20'53"E.
2. 23°02'19"N., 144°00'56"E.
3. 23°53'25"N., 145°05'59"E.

and, except that to the south of the Northern Mariana Islands, the limit of the fishery conservation zone shall be determined by straight lines connecting the following points:

4. 15°43'28"N., 142°05'43"E.
5. 14°55'18"N., 143°15'29"E.
6. 14°47'43"N., 143°28'23"E.
7. 14°30'07"N., 143°51'50"E.
8. 14°11'10"N., 144°26'36"E.
9. 14°05'34"N., 144°36'47"E.
10. 13°57'14"N., 144°51'43"E.
11. 13°53'11"N., 144°59'19"E.
12. 13°51'18"N., 145°03'00"E.
13. 13°51'16"N., 145°03'05"E.
14. 13°51'00"N., 145°03'36"E.
15. 13°50'11"N., 145°06'15"E.
16. 13°49'15"N., 145°08'37"E.
17. 13°47'40"N., 145°12'31"E.
18. 13°46'00"N., 145°16'14"E.
19. 13°45'27"N., 145°17'23"E.
20. 13°41'18"N., 145°26'08"E.
21. 13°37'16"N., 145°34'33"E.
22. 13°36'23"N., 145°36'21"E.
23. 13°35'54"N., 145°37'14"E.
24. 13°16'24"N., 146°12'14"E.
25. 13°05'18"N., 146°32'02"E.
26. 13°00'17"N., 146°41'05"E.
27. 12°33'02"N., 147°29'57"E.
28. 12°14'34"N., 148°03'11"E.
29. 12°13'55"N., 148°04'31"E.

4. For the purposes of this proclamation, a "citizen of the Northern Mariana Islands" is defined as: (1) an individual citizen of the Trust Territory of the Pacific Islands who is exclusively domiciled, within the meaning of Section 1005(e) of the Covenant, in the Northern Mariana Islands; (2) a partnership, unincorporated company, or association whose members are all citizens of the Northern Mariana Islands as defined in (1) above; or (3) a corporation incorporated under the laws of the Northern Mariana Islands, of which the president or other chief executive officer and the chairman of the board of directors are citizens of the Northern Mariana Islands as defined in (1) above and no more of its directors than a minority of the number necessary

48 USC 1681 note.

to constitute a quorum are not citizens of the Northern Mariana Islands as defined in (1) above.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of February, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4727 of February 27, 1980

Asian/Pacific American Heritage Week, 1980

By the President of the United States of America

A Proclamation

America's strength is in the heart of its people and the richness of its cultural diversity.

Those who have come from Asian and Pacific countries have long added a special quality to our American mosaic. In spite of adversity, in spite of violence inflicted on their peoples and cultures, Asian and Pacific Americans have shed sweat and blood in the struggle for America's nationhood and in the quest for freedom and opportunity. Out of all proportion to their numbers, Asian and Pacific Americans have contributed to our Nation's progress in a wide range of fields—science, the arts, literature, agriculture, industry and commerce. Bringing with them the strong and varied traditions of their Asian and Pacific homelands—China, Japan, Korea, the Philippines, the Pacific Islands, and Southeast Asia—they have greatly enriched our cultural heritage and institutions.

As we welcome new groups of Asian and Pacific peoples to our shores, our hearts are saddened by the suffering that has caused many of them to leave their homelands, but we are proud to be able to offer them freedom and hope and opportunity in America.

As we work together to help them make the difficult adjustments to a new land and new lives, we are deeply aware of our debt to the generations of Asian and Pacific Americans who have come before them. We are grateful for their presence and glad for the opportunity to continue our tradition as a land of immigrants, people who have come from every corner of the earth, united by a common commitment to human rights and human liberty.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, declare the seven days beginning May 7, 1980, as Asian/Pacific American Heritage Week. I call upon the people of the United States to observe this week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set may hand this twenty-seventh day of February, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4728 of February 29, 1980

Inter-American Development Bank Day

By the President of the United States of America

A Proclamation

The destinies of the people of North America and the people of Latin America have long been linked. Because of that relationship, one of the tools for the fulfillment of Latin American and Caribbean aspirations for economic and social development is a hemispheric framework of cooperation.

The Inter-American Development Bank is an important part of that framework. It began operations twenty years ago as a mutual effort by the United States and Latin America to promote progess in the hemisphere. Since 1960, the Bank has grown to embrace the nations of the Caribbean and, as contributors, Canada and 15 developed nations outside the hemisphere.

In the course of its first two decades, the Inter-American Development Bank has committed over $16 billion in development loans to bring electricity and running water to Latin American villages, to provide schools and health care for overcrowded cities, to supply credit to small farmers and entrepreneurs, and to promote a modern infrastructure for Latin American economies. Through its own strong efforts, assisted by the Inter-American Development Bank, Latin America as a region has achieved high real growth rates in recent years—resulting in improved living standards and expanding opportunities for trade and investment.

February 1980—the twentieth anniversary of the first meeting of the governing body of the Inter-American Development Bank—is a good time for the American people to take note of the success of a bold experiment in hemispheric sharing.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, proclaim February 29, 1980, as Inter-American Development Bank Day, in recognition of the role of the Inter-American Development Bank and in reaffirmation of the commitment of the American people and Government to the Bank and to the cause of peaceful economic and social progress in the hemisphere. I direct the Secretary of the Treasury, as United States Governor of the Inter-American Development Bank, to communicate this proclamation to the authorities of the Bank and to each of its member governments.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of February, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4729 of February 29, 1980

William O. Douglas Arctic Wildlife Range

By the President of the United States of America

A Proclamation

"The Arctic has a call that is compelling. The distant mountains make one want to go on and on over the next ridge and over the one beyond. The call is that of a wilderness known only to a few . . . This last American wilderness must remain sacrosanct."

These are the words of the late Justice William O. Douglas describing the Brooks Range in Alaska, where the Arctic National Wildlife Range is located. They were written in 1960, the year the Range was established.

William O. Douglas staunchly asserted the right of all living things to be born, grow and die in a state of natural freedom. He cared for the moose and caribou of the arctic range as he cared for all those whose life and liberty were threatened by forces larger than themselves.

Justice Douglas insisted that the present generation must protect environmental and human rights not only for themselves but for the sake of future generations as well. He took strength from the refuge that nature and wilderness give the human soul.

It is fitting to memorialize this great American with one of America's most remarkable places. The area that will henceforth bear his name is an environment that offers the solitude and grandeur of vast arctic spaces as well as the vitality of a breeding ground for thousands of birds and for one of the largest remaining caribou herds on earth.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, by virtue of the authority vested in me by the Constitution and statutes of the United States, and in consultation with the Secretary of the Interior who is charged with the management of the National Wildlife Refuge System, do hereby proclaim that the Arctic National Wildlife Range shall henceforth be known as the William O. Douglas Arctic Wildlife Range, in memory of a great American statesman and environmental leader. I hereby direct the Secretary of the Interior to take all steps necessary to implement this proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of February, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4730 of March 5, 1980

Teacher Day, USA

By the President of the United States of America

A Proclamation

The great strength of America lies in its people, educated in the most comprehensive and open system of public education the world has ever known.

We have an enormous stake in this system, and the key to it is the American teacher. The men and women who staff our schools spend countless hours inspiring, encouraging, informing, and preparing young people for the future. Their hard work is a lifelong gift. Behind every successful adult, there is usually a teacher who was an inspiration for excellence.

Sadly, there has never been a national observance of the profound debt we owe our Nation's teachers. There is no time each year when we can bestow the individual recognition, honor, and encouragement our teachers richly deserve.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate March 7, 1980, as "Teacher Day, United States of America."

I ask all Americans to communicate their personal appreciation, by word and deed, to present and former teachers who have enriched their lives.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of March, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4731 of March 7, 1980

Cancer Control Month

By the Presdident of the United States of America

A Proclamation

One in four Americans now living will eventually develop cancer.

While emphasis on early detection and treatment of cancer has saved thousands of lives, the ultimate answers lie in its prevention. Efforts to discover the cause of this disease and to create ways to thwart its development are advancing on several fronts.

Many scientists maintain that our preventive efforts should be primarily environmental. They believe that many types of cancer will prove to be preventable through the identification and control of carcinogenic factors in our surroundings.

At the same time, we must pursue other areas of research as well. The search for new diagnostic and treatment techniques must continue as relentlessly as in the past. In 1980, about 785,000 people will be diagnosed as having cancer. More than 400,000 will die of the disease.

42 USC 201 note. The National Cancer Act, which became law in 1971, has fostered programs in all aspects of cancer research. Many programs have been created to ensure that newly found knowledge from the research sector is transferred into the daily practice of medicine.

36 USC 150. As a means of focusing continued attention on the problem of cancer, the Congress, by joint resolution of March 28, 1938 (52 Stat. 148), has requested the President to issue an annual proclamation setting aside the month of April as Cancer Control Month.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby proclaim the month of April, 1980, as Cancer Control Month. I encourage the American people to meet the challenge of this critical health problem. I ask the medical and health professions, the communications industries, and all other interested citizens to unite in public reaffirmation of our Nation's abiding commitment to cancer control.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of March, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4732 of March 10, 1980

Pan American Day and Pan American Week, 1980

By the President of the United States of America

A Proclamation

During the past years, the peoples of the Americas have asserted with renewed determination their ideals of peace with freedom, cooperation with mutual respect, and unity with individual dignity. The people of the United States of America reaffirm their belief in this spirit each year on Pan American Day.

As the nations of the Americas enter the decade of the 1980's, their peoples confidently seek a future of economic growth and social change that will surpass past achievements. This goal will be realized if the fruits of that growth are shared fairly and if tranquility among nations of the area is preserved.

We look to the Organization of American States, whose anniversary we will observe on April 14, to continue to produce an environment of understanding, mutual respect, and dedication to the common goals that have inspired the true leaders of the hemisphere throughout its history. The stewardship of the Organization of American States in the past year has helped democracy reassert itself when threatened and has revitalized concern for human rights and needs.

Thus, on this Pan American Day of 1980, the United States of America salutes the countries of the hemisphere, and reaffirms its solidarity to the ideals and principles that underlie their cooperative efforts.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby proclaim Monday, April 14, 1980, as Pan American Day and the week beginning April 13, 1980, as Pan American Week; and I call upon the Governors of the fifty States, the Governor of the Commonwealth of Puerto Rico, and appropriate officials of the other areas under the flag of the United States to issue similar proclamations.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of March, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4733 of March 11, 1980

Law Day, U.S.A., 1980

By the President of the United States of America

A Proclamation

The United States of America—more than any other country—is founded upon law.

The law is a human institution, reflecting the moods, customs and modes of conduct of our people. The law is our own creation.

The law affects all of us from the cradle to the grave. It touches upon both the tangible and intangible aspects of our lives. The guardians of the law are our courts and those who serve them.

Our free and self-governing republic owes much to the efforts of the judges and lawyers of our Nation. It is from this body that America has drawn many of its leaders and statesmen.

This year will mark the 23rd annual observance of Law Day. May 1 has been set aside by joint resolution of the Congress to foster a deeper respect for the law "and understanding of its essential place in the life of every citizen of the United States."

The theme selected in recognition of Law Day '80 is: "Law and Lawyers—Working for You."

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, invite the American people to observe Thursday, May 1, 1980, as Law Day, U.S.A., and to reflect upon their individual and collective responsibilities for the effective administration of the law.

I call upon the legal profession, the courts, educators, the media, clergymen, and all interested individuals and organizations to mark the 23rd annual nationwide observance of Law Day, U.S.A., with programs and events appropriate for the occasion. I direct the appropriate officials of the Government to display the flag of the United States on all Government buildings on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of March, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4734 of March 11, 1980

Loyalty Day, 1980

By the President of the United States of America

A Proclamation

Our National was founded to secure and protect the basic human rights of life, liberty, and the pursuit of happiness for all our citizens. Today the United States is a leader in the world-wide struggle for basic human rights. In these times it is important that we never forget our historic commitment to freedom and justice for all people—because our first principles are the basis of our contiuing loyalty to our Nation.

America was not created to promote a single race or religion or ideology, but to build a safe and sure home for the deepest values of humankind. The symbols of our loyalty, such as the flag, are the outward signs of our faith in these ideals.

36 USC 162.

In order to encourage the people of the United States to reflect on our democratic heritage, the Congress, by a joint resolution approved July 18, 1958 (72 Stat. 369), has designated May 1 of every year as Loyalty Day, and has requested the President to issue a proclamation inviting the American people to acknowledge that day with appropriate observances.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, call upon all American to observe Thursday, May 1, 1980, as Loyalty Day. I also ask the appropriate officials of the Government and all citizens to display the flag of the United States on all Government buildings on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of March, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4735 of March 13, 1980

Honoring Carl Vinson

By the President of the United States of America

A Proclamation

The nuclear powered aircraft carrier U.S.S. Carl Vinson (CVN 70) will be christened and launched at Newport News, Virginia on March 15, 1980.

The namesake of this, the largest warship ever constructed, the Honorable Carl Vinson, served as a member of the House of Representatives from 1914 to 1965 during which time he served as the Chairman of the old House Naval Affairs Committee for 16 years and as the Chairman of the House

Armed Services Committee for 14 years. Carl Vinson played a major role in developing a national defense posture second to none, believing always in a philosophy that "No man should ever place the defense of his nation below any other priority."

Carl Vinson's record of over 50 years of continuous service in the House of Representatives remains unsurpassed, reflecting a lifelong commitment to the security and freedom of all Americans. He served his country with distinction, providing enlightened leadership, and demonstrating an incomparable ability as a legislator.

On March 15, 1980 Carl Vinson will be present in Newport News, Virginia, as the first living American to be present at the launching of a United States Navy warship which bears his name. In recognition of this unique occasion, and in honor of this great American, the 96th Congress, by joint resolution (S.J. Res. 149), has authorized and requested the President to issue a proclamation honoring Carl Vinson.

Ante, p. 93.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby extend best wishes to Carl Vinson on this historic occasion, and express deep appreciation on behalf of the United States to Carl Vinson and his unswerving devotion to his beloved nation.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of March, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4736 of March 13, 1980

National Maritime Day, 1980

By the President of the United States of America

A Proclamation

Throughout the history of the United States, trade and shipping have made a vital contribution to the Nation's growth and economic vitality. Today, the American Merchant Marine continues to aid the development of American enterprise and to foster the well-being of all American citizens by linking U.S. industries, farms and markets with our overseas trading partners.

In addition, our Merchant Marine has shown valor and dedication in providing logistic support to United States military forces in times of national emergency.

In recognition of the importance of the American Merchant Marine, and in commemoration of the departure from Savannah, Georgia, on May 22, 1819, of the S.S. Savannah on the first transatlantic voyage by any steamship, the Congress of the United States, by joint resolution of May 20, 1933 (48 Stat. 73, 36 U.S.C. 145), designated May 22 of each year as National Maritime Day and requested the President to issue annually a proclamation calling for appropriate observances.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do urge the people of the United States to honor our American Merchant Marine on May 22, 1980, by displaying the flag of the United States at their homes and other suitable places, and I call upon all ships under the American flag to dress ship on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of March, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4737 of March 18, 1980

National Defense Transportation Day and National Transportation Week, 1980

By the President of the United States of America

A Proclamation

Throughout the history of the United States, our progress as a Nation has been closely tied to our progress in transportation.

As the Nation grew, so did its need for mobility. In the last century this need was well served by expanding networks of railroads and canals. Today, the need is served by a broader range of systems, including motor vehicles and aircraft.

The generations of men and women who pioneered these systems stand high in the ranks of those who made America great.

But new demands are constantly being made on our capacity to move people and the goods they produce. Today's systems must change if they are to handle the demographic changes and the energy problems of tomorrow.

Once again we look to the people in our transportation industry to innovate—and to provide rapid, dependable, safe and efficient transportation to meet the needs of the future.

Acknowledging the importance of the U.S. transportation system, the Congress by joint resolution of May 16, 1957 (71 Stat. 30, 36 U.S.C. 160), requested the President to proclaim the third Friday in May of each year as National Defense Transportation Day, and, by joint resolution of May 14, 1962 (76 Stat. 69, 36 U.S.C. 166), requested the President to proclaim the week on which that Friday falls as National Transportation Week.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate Friday, May 16, 1980, as National Defense Transportation Day, and the week beginning May 11, 1980, as National Transportation Week.

I urge all Governors, appropriate Federal officials, transportation organizations, and the people of the United States to join with the U.S. Department of Transportation in observing this day and week in honor of the vital role that the commercial transportation industry plays in our daily lives, in national defense, and in the future of an energy-secure America.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of March, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4738 of March 20, 1980

National Energy Education Day

By the President of the United States of America

A Proclamation

During the past decade it has become clear that our Nation faces an increasing shortage of its traditional energy sources. This energy shortage and our growing dependence on foreign energy supplies present a serious threat to the national security of the United States and to the health, safety and welfare of its citizens. In an effort to reduce our dependence on foreign energy, we have embarked on a number of programs aimed at the development of new energy technologies. We have also initiated a comprehensive program to educate the Nation, particularly the Nation's youth, about the consequences of the changing world energy supply.

In order to focus our attention on this ongoing program of energy education for the young—in both public and private schools and at all grade levels—and in an effort to bring together teachers, school officials and parent groups to help our children understand the current international energy situation, Congress has by Joint Resolution (S.J. Res. 43) proclaimed March 21, 1980, as National Energy Education Day.

Ante, p. 80.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby call upon all citizens and government officials to observe Friday, March 21, 1980, as National Energy Education Day with appropriate ceremonies and activities. I direct all agencies of the Federal Government to cooperate with and participate in the celebration of National Energy Education Day.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of March, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Editorial Note: The President's remarks of Mar. 20, 1980, on signing Proclamation 4738, are printed in the Weekly Compilation of Presidential Documents (vol. 16, p. 509).

Proclamation 4739 of March 20, 1980

National Medic Alert Week, 1980

By the President of the United States of America

A Proclamation

Emergency medical care, like other elements of our Nation's health care system, depends for its effectiveness on the support of the American people. By contributing to the lifesaving capabilities of rescue personnel and other health professionals, we improve our prospects for continued good health.

Today, approximately forty million Americans are afflicted with diabetes, heart conditions, epilepsy, allergies and other medical conditions that are difficult to detect or identify in an emergency. This year, many of these people will become involved in emergency situations and, because of delays in diagnosing and treating their hidden medical problems, may suffer additional injury or even die.

Such tragedies need not occur. For more than two decades, special identification and information services—the oldest and perhaps best known of which is Medic Alert Foundation International—have been helping health and rescue personnel meet the unique emergency needs of people with hidden medical problems. When the victims of medical emergencies are unconscious or otherwise unable to communicate, their medic alert tags and the information services with which they are registered can spell the difference between successful treatment and serious, even fatal, complications. Last year, these tags and services helped save the lives of an estimated two thousand people with hidden medical conditions.

Millions of additional Americans can protect themselves and help to improve the effectiveness of emergency medical care in this country by registering with a medic alert service. To focus the Nation's attention on the value of these services, the Congress, by a joint resolution approved February 28, 1980, (H.J. Res. 434) requested that the President proclaim the week of April 6 through 12, 1980, National Medic Alert Week.

Ante, p. 83.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby proclaim the week of April 6, 1980, as National Medic Alert Week. I urge all citizens and interested organizations and associations to observe this week with activities that will foster the use of emergency identification and information services in the United States.

I invite the Governors of the States and appropriate local government officials to support National Medic Alert Week activities, and I call upon the Nation's mass communications media to spread the message that medic alert services save lives.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of March, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4740 of March 28, 1980

ORT Centennial Day, 1980

By the President of the United States of America

A Proclamation

The Organization for Rehabilitation through Training was founded by Jews in Czarist Russia on April 10, 1880, to give technical instruction to Russian Jews and allow them to enter the industrial workforce for the first time in their history. In the course of the following century, the Organization gradually expanded its scope to include vocational training and technical education for unskilled men and women of many races and religions on several continents.

On its 100th Anniversary, ORT is the largest voluntary, nongovernmental job training program in the world. By providing training in over 100 trades—including transportation, education, engineering, mining, agriculture, hygiene, public health, and commerce—ORT has helped more than two million people in their efforts to overcome poverty.

The Organization has been a thread of hope even under the harshest of circumstances. It continued to function in the Warsaw ghetto until the very morning of the 1943 uprising. Among its other proud achievements, ORT can count the rehabilitation of survivors of Nazi persecution in the DP camps of postwar Europe as well as its recent collaboration with the Agency for International Development on programs to modernize Third World countries during the Decade of Development.

Today, as ORT celebrates its centennial, its basic educational network extends to 24 countries and serves 100,000 students in 700 schools. It has helped to lay foundations of individual pride and self-sufficiency all over the world, and the consistent quality of its performance has been an inspiration and an indispensable aid to progress.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, call upon all Americans to join me in observing April 10, 1980, as ORT Centennial Day.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of March, in the year of our Lord nineteen hundred and eighty and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4741 of March 28, 1980

National Bicycling Day

By the President of the United States of America

A Proclamation

Bicycling is finally breaking away in this country, making racers and riders out of a hundred million Americans.

Whether they are huffing up mountain roads on vacation or commuting a few miles to work every day, bicycle riders are using their energy to save our energy, while their pumping legs mean pumping hearts and better health. One of the most energy-efficient forms of transportation known to man, bicycle riding is bound to become even more popular in the energy-conscious, health-conscious future.

Ante, p. 127.

The Congress, by joint resolution (H.J. Res. 414), has authorized and requested the President to designate the first day of May, 1980, as National Bicycling Day.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby declare May 1, 1980, National Bicycling Day.

I call upon the people of the United States and interested groups and organizations to observe that day with appropriate ceremonies and events.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of March, in the year of our Lord nineteen hundred and eighty and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4742 of March 31, 1980

Establishment of a Special Limited Global Import Quota for Upland Cotton

By the President of the United States of America

A Proclamation

1. Section 103(f)(1) of the Agricultural Act of 1949, as added by section 602 of the Food and Agriculture Act of 1977 (91 Stat. 913, 934; 7 U.S.C. 1444(f)(1)), provides that whenever the Secretary of Agriculture determines that the average price of Strict Low Middling one and one-sixteenth inch cotton (microaire 3.5 through 4.9), hereinafter referred to as "Strict Low Middling cotton," in the designated spot markets for a month exceeded 130 per centum of the average price of such quality of cotton in such markets for the preceding thirty-six months, notwithstanding any other provision of law, the President shall immediately establish and proclaim a special limited global import quota for upland cotton. The amount of such quota is to be equal to twenty-one days of domestic mill consumption of upland cotton at the seasonally adjusted average rate of the most recent three months for which data are available and is to remain in effect for a ninety-day period.

2. The Secretary of Agriculture has informed me that he has determined that the average price of Strict Low Middling cotton in the designated spot markets for the month of February 1980 has exceeded 130 per centum of the average price of such cotton in such markets for the preceding 36 months. The Secretary's determination was based upon the following data:

(a) The average price of Strict Low Middling cotton in the designated spot markets for the month of February 1980 was 80.66 cents per pound.

(b) The average price of Strict Low Middling cotton in the designated spot markets for the 36 months preceding the month of February 1980 (February 1977 through January 1980) was 60.34 cents per pound.

3. Twenty-one days of domestic mill consumption of upland cotton, which is any variety of the Gossypium hirsutum species of cotton, at the seasonally adjusted rate of the most recent three months for which data are available (November 1979–January 1980) is 244,030,605 pounds.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, by the authority vested in me by the Constitution and Statutes of the United States of America, including section 103(f)(1) of the Agricultural Act of 1949, as added by section 602 of the Food and Agriculture Act of 1977, and in order to establish a special ninety-day limited global import 7 USC 1444. quota for 244,030,605 pounds of upland cotton, do proclaim that Part 3 of the Appendix to the Tariff Schedules of the United States is hereby modified 19 USC 1202. by inserting in numerical sequence the following temporary provision:

"Item	Article	Quota quantity (in pounds)
955.07	Notwithstanding any other quantitative limitations on the importation of cotton, upland cotton, if accompanied by an original certificate of an official of a government agency of the country in which the cotton was produced attesting to the fact that cotton is a variety of the Gossypium hirsutum species of cotton, may be entered during the 90-day period April 3, 1980 through July 2, 1980	244,030,605 pounds".

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of March, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4743 of April 1, 1980

Mother's Day, 1980

By the President of the United States of America

A Proclamation

Each year, we set aside a special day of celebration to thank this Nation's mothers for the role they play in our lives.

Mother's Day 1980 finds the always demanding role of being a mother made even more complex by the choices modern women have that were not available to women of previous generations.

Today's mothers are involved in every aspect of business, politics, education, sports, the arts, the sciences, and government, and yet they still remain at the core of this Nation's greatest natural resource—the American family.

Whether they seek careers or work full time in the home, mothers contribute immensely to our Nation's future by shaping the character of our children.

That is why our observance of Mother's Day is so important. It provides us not only with an opportunity to honor our own mothers, but also to thank all the women who make this Nation stronger through their tireless devotion to their children.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby request that Sunday, May 11, 1980, be observed as Mother's Day. I direct Government officials to display the flag of the United States on all Government buildings, and I urge all citizens to display the flag at their homes and other suitable places on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of April, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4744 of April 2, 1980

Petroleum Import Adjustment Program

By the President of the United States of America

A Proclamation

In March 1979, the Secretary of the Treasury, having conducted an investigation of imports of petroleum and petroleum products in accordance with Section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862), concluded that such imports were entering the country "in such quantities and under such circumstances as to threaten to impair the national security." This finding confirmed the results of previous investigations conducted in 1959 and 1975.

The high level of the Nation's consumption of gasoline is the single most important cause of our dependence on foreign oil. At the same time, our consumption of gasoline can be reduced with less serious consequences to our economy than if similar action were taken with respect to other petroleum products, such as home heating oil. Consequently, the Secretary of Energy and the Secretary of the Treasury have advised that I take action to reduce oil imports by imposing a fee on imports of crude oil and gasoline and by establishing a program intended to ensure that the burden of the crude oil fee falls on gasoline. The Secretary of Commerce concurs.

I agree with their advice. To counter this threat to the national security of the United States, I deem it necessary to act pursuant to Section 232 of the Trade Expansion Act to adjust crude oil and gasoline imports through imposition of a gasoline conservation fee on imports of crude oil and gasoline and a system of passing the cost of this fee through on the price of gasoline in a manner consistent with and in furtherance of the objectives of the Emergency Petroleum Allocation Act of 1973 (15 U.S.C. 751 *et seq.*).

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, acting under and by virtue of the authority vested in me by the Constitution and the laws of the United States, including Section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862), and the Emergency Petroleum Allocation Act of 1973, as amended (15 U.S.C. 751 *et seq.*), do hereby proclaim, effective March 15, 1980, that:

USC prec. title 1.

Section 1–1. *Gasoline Conservation Fee*

Sec. 1–101(a). Except as otherwise provided in this Proclamation, no crude oil (except crude oil which is exchanged in accordance with the provisions in the next to last sentence of Section 4(b)(1) of Proclamation 3279, as amended) or gasoline may be entered into the United States unless it is by or for the account of a person to which a license has been issued by the Secretary pursuant to this Proclamation and the entry is made in accordance with the terms of this Proclamation and of such license.

19 USC 1862 note.

(b) Unexpired and unused licenses, or portions thereof, issued pursuant to Proclamation 3279, as amended, for the entry of crude oil and gasoline may be used for the purpose of entering those respective products through April 23, 1980; *provided,* that the entry is otherwise made in accordance with the terms of this Proclamation and that payment is made for all applicable gasoline conservation fees.

19 USC 1862 note.

Sec. 1–102(a). Upon application, the Secretary shall issue licenses subject to the gasoline conservation fees provided for in this paragraph.

(1) Except as provided in paragraph (a)(2) of this section, such licenses shall require, among other appropriate provisions, the payment of the following gasoline conservation fees:

(A) With respect to the entry of crude oil, such fee shall be $4.62 per barrel;

(B) With respect to the entry of gasoline, such fee shall be equal to the dollar per barrel amount of the gasoline entitlement determined in accordance with Section 2–1 of this Proclamation for the month in which the entry was made, which amount shall be published by the Secretary on or about the fifteenth day of the second month after the month of entry.

(2) Gasoline conservation fees shall not be applicable with respect to the following types of entries:

(A) Crude oil which is entered into the United States for the Strategic Petroleum Reserve Program by the Department of Energy, or by any other person certified by the Department of Energy as acting on its behalf;

(B) Gasoline produced in the U.S. Virgin Islands or a U.S. Foreign Trade Zone which has incurred a gasoline entitlement obligation in accordance with Section 2–1 of this Proclamation.

(b) All monies received under this section shall be deposited into the Treasury of the United States. The Secretary shall credit to a deposit fund account a portion of the monies received under the terms of this section to be drawn upon by the Secretary for the payment of refunds of gasoline conservation fees. All other amounts shall be credited to miscellaneous receipts. Balances credited in the deposit fund account and not required to be reserved for payments hereinafter provided for shall be transferred at the end of the fiscal year to miscellaneous receipts.

Sec. 1–103(a)(1). Except as provided in paragraph (a)(2) or (a)(3) of this section, applications for licenses subject to payment of a gasoline conservation fee under Section 1–102(a)(1) of this Proclamation shall not be considered unless they are accompanied by payment in the following amounts:

(A) For licenses for the entry of crude oil, such payments shall be in the amount equal to the number of barrels for which the license is to be issued multiplied by $4.62.

(B) For licenses for the entry of gasoline, such payment shall be in the amount equal to the number of barrels for which the license is to be issued multiplied by $4.35. Upon the determination of the actual fee, in accordance with Section 1–102(a)(1)(B) of this Proclamation, for the month in which an entry is made, an adjustment of the amount paid shall be made in accordance with section 1–104(a)(1) of this Proclamation.

(2) In lieu of prepayment in accordance with paragraph (a) of this section,

an applicant for a license may submit (A) a bond with a surety on the list of acceptable sureties on Federal bonds, maintained by the Bureau of Government Financial Operations, Department of the Treasury (Department of the Treasury Circular 570) or (B) other security acceptable to the Secretary; *provided*, that for all subsequent entries made pursuant to the license received, payment shall be made for the applicable gasoline conservation fees. Bonds or such other security shall be posted for the amount chargeable under the license, unless the applicant has made timely payment of any fees imposed pursuant either to this Proclamation or to Proclamation 3279, as amended, for the twelve previous calendar months in which the applicant was obligated to pay fees, in which case bonds or such other security may be posted for fifty percent (50%) of the total amount chargeable.

19 USC 1862 note.

(3) Payment of gasoline conservation fees by or for the account of a department, establishment, or agency of the United States shall be accomplished by transfers, as appropriate, from appropriation accounts available to such department, establishment, or agency.

(b) Separate licenses shall be issued for crude oil and gasoline and for entries subject or not subject to payment of gasoline conservation fees.

(c) Licenses issued for crude oil and gasoline under this section shall be valid for a period of one year following the date of their issuance unless such licenses have been completely used prior to that time. A license shall be considered to be issued on the date the license is signed by the Secretary.

Sec. 1–104(a)(1). With respect to licenses for the entry of gasoline issued upon prepayment of gasoline conservation fees, the Secretary shall refund such prepaid fees by an amount equal to the difference between the actual fee for the month in which the entry was made and the prepaid amount of $4.35, multiplied by the number of barrels entered; *provided*, that the actual fee for the month in which the entry was made is less than $4.35 per barrel. In the event the actual fee exceeds $4.35 per barrel, the licensee must make payment for the difference.

(2) The Secretary is further authorized to refund fees paid or to reduce fees owed, in whole or in part:

(A) where the licensee prepaid the fees and failed to use the license issued to him;

(B) where the license fee has been improperly charged.

(b)(1) All applications for such refunds or reductions based on entries of crude oil and gasoline must be filed with the Secretary by the end of the sixth month following the month in which the entry was made.

(2) Applications for refunds of fees for any unutilized portion of a prepaid license shall not be acted upon until the license has been received by the Secretary. Such applications must be filed with the Secretary within six months of the expiration date of the license.

(c) Refunds or reductions made pursuant to this section shall be made without interest, and in no case may the total of the refunds or reductions claimed exceed the amount of the fees paid for the license.

Sec. 1–105(a). For the purposes of this Proclamation, crude oil or gasoline shall be deemed to have "entered" the United States when it is released for immediate delivery, or entered, or withdrawn from warehouse for consumption, whichever occurs first as evidenced by the dates on Customs Form 3461, 7501, or 7505, as appropriate, or successor forms.

(b) Licenses shall be presented to the District Director of Customs at a point of entry to be selected by the licensee and shall remain in Customs custody until fully utilized or expired, whereupon they shall be returned by the Customs Service to the Secretary.

Sec. 1–106(a). No license shall be required in connection with the entry into the United States of crude oil or gasoline which is transported from one point in the United States to another such point through a pipeline that passes through a foreign country. If, incidental to such transportation, the crude oil or gasoline is commingled with or displaced by foreign crude oil or gasoline, no license shall be required for the entry of quantities of like kind and quality equivalent to those which left the United States.

(b) In the event the volume of a particular shipment of crude oil or gasoline entered pursuant to a license exceeds, by five percent (5%) or less, the volume stated as remaining on the license against which the crude oil or gasoline is being entered, the Customs officer may permit the entry of the excess without license but in such an event he shall notify the Department of Energy. The licensee must, within ten days of such entry, remit payment for any gasoline conservation fees applicable to such excess.

(c) Customs officers are authorized to permit entry, without license, of quantities not to exceed 550 U.S. gallons of gasoline or 100 barrels of crude oil which otherwise would be subject to the payment of a fee, where the quantities entered are certified as:

(1) constituting samples for testing or analysis;

(2) included in shipments of machinery or equipment and intended for use in connection therewith; or

(3) baggage entries.

Sec. 1–107(a). Unless the Secretary directs otherwise, payment of fees shall be accomplished by wire transfer to an account specified by the Secretary, in accordance with such payment instructions as he may prescribe, or, at the licensee's option where the payment is for an amount less than $1,000,000.00, by delivery to the Secretary of a certified check or a cashier's check payable to the order of the Treasurer of the United States.

(b) Payments in accordance with Sections 1–101(b), 1–103(a)(2) and 1–104(a)(1) must be received by the last day of the second month following the month in which an entry is made if that day is a business day, and if not, by the end of the next business day.

Section 2–1. *Gasoline Entitlements*

Sec. 2–101. For each month beginning with March of 1980, the Secretary shall calculate the "total national fee." The total national fee for a particular month shall be the total amount of the gasoline conservation fees payable for all crude oil entered by all persons in that month.

Sec. 2–102. The price of a gasoline entitlement for each month shall be equal to the total national fee for that month divided by the total number of barrels of gasoline production in that month for which gasoline producers must purchase gasoline entitlements, as adjusted by the Secretary in accordance with Section 2–103 of this Proclamation.

Sec. 2–103. In order to correct for reporting or calculation errors, overpayments, underpayments, and similar occurrences in any month, the Secretary in one or more months subsequent to that month may adjust either or both the price of a gasoline entitlement and the number of gasoline entitlements issued to or required to be purchased by persons.

Sec. 2-104. For each month beginning with March 1980, the Secretary shall issue to each person who entered, during that month, crude oil subject to a gasoline conservation fee pursuant to Section 1-102(a), a number of gasoline entitlements equal in value to the total amount of gasoline conservation fees for crude oil entered in that month that were paid or are payable by that person pursuant to this Proclamation.

Sec. 2-105(a). Except as provided in paragraphs (b) and (c) of this section, with respect to its gasoline production in any month beginning with March 1980, a gasoline producer must purchase gasoline entitlements equal in number to the number of barrels of its gasoline production in that month.

(b) If in any full calendar month the per barrel amount of any additional levy imposed by Puerto Rico or the U.S. Virgin Islands after the effective date of this Proclamation on gasoline consumed in its jurisdiction or produced in its jurisdiction for consumption therein is at least equal to $4.20 or the value of a gasoline entitlement for that month, whichever is less, the number of barrels of gasoline production for which a gasoline producer must purchase gasoline entitlements for that month shall be reduced by the number of barrels of that producer's gasoline production in that month which is subject to the levy.

(c) A person which is issued gasoline entitlements for any month pursuant to Section 2-104 must sell each such gasoline entitlement to a gasoline producer required to purchase gasoline entitlements for that month.

Sec. 2-106. On or about the fifteenth day of the second month following any particular month beginning with March 1980, the Secretary shall publish a list which shall set forth the number of gasoline entitlements which each gasoline producer must purchase and which each person issued entitlements must sell for that particular month. Such purchases and sales shall be completed by the last day of the second month following that particular month. The Secretary may direct persons that have not purchased or sold the required number of entitlements within that time to purchase or sell such required number of entitlements from or to a person with reciprocal requirements. A person which in a particular month must both purchase and sell entitlements may purchase them from itself.

10 CFR 210, 211, 212.

Sec. 2-107. Notwithstanding any provision to the contrary in the Energy Regulations, no portion of any cost of a gasoline conservation fee imposed under Section 1-1 of this Proclamation may be considered under the Energy Regulations as a cost or part of a cost of crude oil, as that term is defined in the Energy Regulations, or any petroleum product, except as provided in Sections 2-108 and 2-109 of this Proclamation. For purposes of such sections, gasoline conservation fees shall be deemed to have been paid at the time that actual payment of such fees has been made to the Secretary, except that, in the case of an entry made pursuant to a prepaid license, payment of the fee may, at the option of the licensee, be deemed to have been made at the time of entry.

10 CFR 210, 211, 212.

Sec. 2-108. Notwithstanding any provision to the contrary in the Energy Regulations, any person that is not a refiner shall be deemed to have incurred an increased product or acquisition cost for gasoline in any particular month in an amount equal to the sum of (a) the amount of any gasoline conservation fees paid by that person in that month for gasoline entered into the United States, less the amount of any refunds with respect to licenses for gasoline that person has received pursuant to Section 1-104, and (b) the amount paid by such person during that month for gasoline entitlements; *provided*, that, prior to May 15, 1980, no person shall increase the price of gasoline as a result of such increased acquisition or product costs pursuant to this section.

Sec. 2–109. Notwithstanding any provision to the contrary in the Energy Regulations:

(a)(1) A person that is a refiner may add to its B_1t factor for gasoline (its increased purchased product costs as described in Section 212.83 of the Energy Regulations) for any month an amount equal to $4.20 multiplied by the number of barrels of gasoline subject to the gasoline conservation fee which that refiner entered into the United States in the month two months prior to such month. Any increases in gasoline prices that are allowed as a result of such addition to the B_1t factor shall not be made prior to May 15, 1980.

10 CFR 212.83.

(2) If, in any month beginning with June 1980, the amount of gasoline conservation fees on gasoline paid by a refiner in the month immediately preceding that month was greater or less than an amount determined by multiplying $4.20 by the number of barrels of gasoline subject to the gasoline conservation fee which were entered into the United States by that refiner in the month three months prior to that month, the difference shall be added to or subtracted from, respectively, that refiner's B_1t factor for that month.

(b)(1) A person that is a refiner may add to its A_1t factor for gasoline (its increased crude oil costs as described in Section 212.83 of the Energy Regulations) for any month an amount equal to $4.20 multiplied by the number of barrels of that refiner's gasoline production in the month two months prior to that month. Any increases in gasoline prices that are allowed as a result of such addition to the A_1t factor shall not be made prior to May 15, 1980.

(2) If, in any month beginning with June 1980, the amount paid by a refiner for gasoline entitlements purchased in the month immediately preceding that particular month was greater or less than an amount determined by multiplying $4.20 by the number of barrels of that refiner's gasoline production in the month three months prior to that month, the difference shall be added to or subtracted from, respectively, that refiner's A_1t factor for that month.

(3) The amount added to or subtracted from the A_1t factor pursuant to this section shall not be subject to the "gasoline tilt" provision found in the last sentence of the first paragraph of Section 212.83(a)(2)(iii)(C) of the Energy Regulations.

10 CFR 212.83.

Section 3–1. *Administrative Provisions*

Sec. 3–101(a). The Secretary is delegated authority to provide for the administration and enforcement of this Proclamation. The Secretary shall, from time to time, in consultation with the Secretaries of Commerce, State, and the Treasury, and other Federal agencies as appropriate, review the status of imports of crude oil and its primary derivatives in respect to the national security. In this connection, he shall inform the President of any circumstances which might indicate the need for further Presidential action under Section 232 of the Trade Expansion Act of 1962, as amended.

19 USC 1862.

(b) The Secretary is delegated the authority to adjust, from time to time, the amount of the gasoline conservation fee specified in Section 1–102(a)(1)(A) of this Proclamation in order to ensure that, as closely as practicable, the value of a resulting gasoline entitlement approximates $4.20.

(c) All departments and agencies of the Executive Branch of the Government shall cooperate with and assist the Secretary in achieving the purposes of this Proclamation.

Sec. 3–102(a). Persons applying for licenses pursuant to Section 1–1 of this Proclamation shall submit such information and make such reports as the Secretary determines necessary to fulfill his responsibilities under this Proclamation.

(b) By the fifth day of the second month following any particular month, beginning with May 5, 1980 for March 1980, each gasoline producer shall report to the Secretary its gasoline production for that month. A person with gasoline production in Puerto Rico or in the U.S. Virgin Islands in any month shall report separately its gasoline production in Puerto Rico or in the U.S. Virgin Islands in that month and the portion of such production which is produced for consumption in Puerto Rico or in the U.S. Virgin Islands.

(c) The Secretary may require a person subject to the reporting requirements of paragraph (a) or (b) of this section to report any additional information determined by the Secretary to be necessary to ensure that the objectives of this Proclamation are attained.

(d) A person required under this Proclamation to submit any report to the Secretary shall correct any errors contained in that report by filing an amended report as promptly as possible but not later than the last day of the eighth month following the month for which the report was filed.

Sec. 3–103(a). A person subject to any reporting requirement under Section 3–103 of this Proclamation shall prepare and maintain at its principal place of business sufficient records, including but not limited to records specifically required by the Secretary, to document its compliance with the provisions of this Proclamation.

(b) All records required to be maintained pursuant to this Proclamation shall be retained for a period of three years.

Sec. 3–104. The Secretary may initiate and conduct audits and investigations relating to the scope, nature, and extent of compliance by any person subject to any provision of this Proclamation.

19 USC 1862 note.

Sec. 3–105(a). In addition to any other remedies or penalties available to enforce this Proclamation or Proclamation 3279, as amended, the Secretary may revoke or suspend, in accordance with the provisions set forth in Subpart T, Part 205, of Title 10 of the Code of Federal Regulations, licenses issued to any person that violates the terms of this Proclamation or Proclamation 3279, as amended. In addition or in the alternative, and notwithstanding the provisions in Section 1–103(a)(2) of this Proclamation, the Secretary, in his discretion, may require that any person that violates the terms of this Proclamation post bonds for license fees in the full amount chargeable or prepay all license fee amounts in order to receive a license.

15 USC 751 note.

(b) In the event a person fails to fulfill an obligation arising under Section 2–1 of this Proclamation, that person shall be subject to the remedies and penalties available under the Emergency Petroleum Allocation Act of 1973.

Sec. 3–106. For purposes of this Proclamation, the following definitions shall apply:

"Crude oil" means a mixture of hydrocarbons that existed in natural underground reservoirs and which is liquid at atmospheric pressure after passing through surface separating processes, and does not include natural gas products. It also includes the initial liquid hydrocarbons produced from tar sands, gilsonite, and oil shale.

"Energy Regulations" means Parts 210, 211 and 212 of Title 10, Code of Federal Regulations.

"Gasoline" means gasoline as that term is defined in Section 212.31 of the Energy Regulations, which definition, for purposes of reference, is as follows: "all of the various grades, other than aviation gasoline, of refined petroleum naphtha which, by its composition, is suitable for use as a carburant in internal combustion engines." 10 CFR 212.31.

"Gasoline entitlement" means the proportionate share which each barrel of gasoline production for a particular month bears to the total gasoline conservation fees payable for that month.

"Gasoline producer" means that person which first manufactures a volume of gasoline by refining, blending or any other process.

"Gasoline production," for a particular gasoline producer in a particular month, means the total number of barrels of gasoline manufactured by refining, blending, or any other process in that month by that gasoline producer in the United States, the U.S. Virgin Islands, and a U.S. Foreign Trade Zone. Where incremental volumes of gasoline are manufactured through the addition of substances to gasoline for which gasoline entitlement obligations have already been incurred, only the incremental volumes of gasoline, less any volumes of alcohol, are gasoline production. For March 1980, a gasoline producer's gasoline production shall be determined by multiplying the number of barrels of that gasoline producer's gasoline production in March 1980 by 17/31; *provided,* that in the event a gasoline producer can demonstrate that the actual number of barrels of gasoline produced by that gasoline producer in the period March 15 through March 31 was less than 17/31 of that gasoline producer's total gasoline production in March 1980, that gasoline producer may report actual volumes of gasoline production for the period March 15 through March 31. Gasoline manufactured by a gasoline producer on behalf of another person shall be included within the gasoline production of the gasoline producer unless the other person is a refiner, in which case the gasoline shall be included within the gasoline production of the other person.

"Person" means any natural person, or a partnership, association, consortium or any other entity whether organized for a business or other purpose, or a department or other governmental unit of a state, territory of the Federal Government. A person shall include a parent organization and the consolidated and unconsolidated entities which it directly or indirectly controls.

"Refiner" means refiner as that term is defined in Section 212.31 of the Energy Regulations. 10 CFR 212.31.

"Secretary" means the Secretary of Energy or his delegate.

"United States" means the fifty States, the District of Columbia, and Puerto Rico, but not U.S. Foreign Trade Zones.

Section 4–1 *Conforming Amendments*

Sec. 4–101. Section 1 of Proclamation 3279, as amended, is amended by the addition of a new paragraph (f) to read as follows: 19 USC 1862 note.

"(f) Except with respect to licenses issued pursuant to the next to last sentence of Section 4(b)(1) of this Proclamation, all licenses issued pursuant to this Proclamation which could be utilized to enter crude oil or gasoline pursuant to another Proclamation shall expire effective 12:01 a.m. April 14, 1980. Notwithstanding any other provision of this Proclamation, no licenses shall be issued hereunder on or after that date for the entry of any crude oil, unfinished oils, or finished products governed by another Proclamation during any period in which a fee of $0.00, as provided in Section 3 of this Proclamation, is in effect."

Sec. 4-102. Section 1(e) of Proclamation 3279, as amended, is amended by deleting the comma appearing after the word "Proclamation" and by adding the words "or any other Proclamation governing the entry of crude oil, unfinished oils or finished products," to immediately follow the word "Proclamation".

Sec. 4-103. Section 8 of Proclamation 3279, as amended, is amended by deleting the period at the end of the next to last paragraph and by adding at the end of that paragraph the following words: "; *provided*, that the system of issuing allocations and licenses with respect to exchanges under Section 4(b)(1) of this Proclamation shall remain in effect during any period in which a fee of $0.00, as provided in Section 3 of this Proclamation, is in effect.".

IN WITNESS WHEREOF, I have hereunto set my hand this second day of April, in the year or our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4745 of April 9, 1980

Older Americans Month and Senior Citizens Day

By the President of the United States of America

A Proclamation

Each year since 1963, the month of May has been designated as our Nation's special time for both honoring our older citizens and assessing their present needs. It is my deep belief that not only the form, but the *meaning*, of that tradition must be observed throughout America.

Since I became President, my Administration has worked hard—and successfully—to improve the quality of older persons' lives by enhancing their physical and material security and by providing greater opportunities for them to continue utilizing their skills and experiences.

We have firmed up the financial base of the Social Security system and are continuing to monitor closely the revenue needs of this most fundamental social program.

42 USC 3001 note.

We have worked with the Congress to pass the Older Americans Act, which will unify and improve the administration of services.

We have pressed for stronger laws to protect older people against discrimination in the job market and in the allocations of Federal resources, and we have streamlined the enforcement of those laws. We have also taken the initiative to end age discrimination in employment opportunities.

However, significant changes are taking place in our population which raise new issues, and highlight new aspects of existing issues. A decline in the birth rate, along with improvements in health care, are moving us toward a society in which more Americans, and a higher proportion of Americans, will be older. The implications of this gradual but certain shift will be felt by all segments of society.

Answers must be found to a host of questions which have just begun to be asked, let alone resolved.

- How can America be assured that the talents, creativity and experience of its older citizens are adequately tapped through opportunities for salaried employment, self employment and work as volunteers?

- How do we identify and support more policies, both public and private, which further the independence and dignity of older people?

- How can we target resources to meet the health and social needs of older persons with special problems, without perpetuating the myth that most elderly are frail or helpless?

- How can we expedite the transfer of new knowledge from the remarkable advances of biomedical, social and behavioral research?

- How can we focus public policy on the needs and resources of the elderly?

- How can we assure that elderly members of minority groups are full participants in America's progress on behalf of the aged?

- What is the proper role of government at federal, state and community levels in assuring services and opportunities for older citizens, while encouraging the work of private organizations and the caring support of families?

Now is the time to renew a national discussion on these and related issues, through local, state and regional meetings leading up to the White House Conference on Aging in 1981. The forums must involve Americans from all segments of our society: business, labor, educational, cultural, religious, political and community leaders; specialists working with the aged; and, most important, older people themselves.

I therefore urge that community forums be held throughout the Nation during May, to begin the process which will culminate in a thoughtful, productive and enduringly beneficial White House Conference in 1981.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate May 1980 as Older Americans Month. I ask all Americans to participate in the activities and discussions marking this special period, so that America can be strengthened and enlightened by the result. I further designate May 8, 1980, as Senior Citizens Day in honor of older Americans.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of April, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of Amercia the two hundred and fourth.

JIMMY CARTER

Proclamation 4746 of April 9, 1980

National Consumer Education Week

By the President of the United States of America

A Proclamation

America's economy is the largest and most complex in the history of the world. It offers an unparalleled choice of goods and services. For our economy to work best for our people, all of us must have the information and knowledge we need to make intelligent decisions as consumers.

Every citizen can benefit from knowing more about consumer laws, rights, and avenues of redress. Many people—including the young, the elderly and the poor—need help in learning about buying skills, financial management, resource conservation methods, and self-help or alternative solutions to economic constraints. In addition, educated consumers can do much to ensure genuine competition, increased productivity, higher quality, and lower prices in the marketplace.

Many good programs for consumer education, public and private, are now in place. But we need a more comprehensive and coordinated approach. Just as our democratic political system needs well-informed citizens, our free economy needs well-informed consumers who can participate effectively in the marketplace partnership among consumers, government, and business.

Schools, governments, consumer organizations, labor unions, and businesses all can play a role in meeting this challenge. I call upon each of these sectors to examine closely how, individually and collectively, they can initiate and support consumer education.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby proclaim the week beginning October 5, 1980, as National Consumer Education Week.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of April, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4747 of April 10, 1980

Days of Remembrance of Victims of the Holocaust

By the President of the United States of America

A Proclamation

Thirty-five years ago, in the closing days of World War II, U.S. Armed Forces liberated the Dachau concentration camp in southern Germany. Words can hardly convey the shock and horror the world felt on seeing the victims—both the living and the dead—of the Nazi program of deliberate genocide.

Dachau and the other death camps, Buchenwald, Auschwitz, Treblinka and the others, were the machinery used by the Nazi regime to perpetrate the Holocaust—the systematic, state-sponsored extermination of six million Jews and the murders of millions of other people. The Holocaust was a crime virtually without equal in history. It has left deep moral scars on all humankind. No one who participated in the liberation of those camps or who knows their history can ever forget them—least of all the 250,000 survivors who found a home and built a new life in this country after the war. During my trip to Israel, I visited Yad Vashem, the Israeli memorial to the victims of the Holocaust. I vowed then, and I repeat now, that the world must never permit such evil to occur again.

We must study the record of the Holocaust and learn its lessons. We must never forget the terrible fruits of bigotry and hatred, and continually rededicate ourselves to the principles of equality and justice for all peoples.

In recognition of the magnitude of those crimes against humanity, the Congress of the United States, by joint resolution (S.J. Res. 97), has authorized and requested the President to issue a proclamation designating a week of remembrance. *Ante*, p. 332.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate April 13 through April 19, 1980 as "Days of Remembrance of Victims of the Holocaust." I ask the American people to observe this solemn anniversary of the liberation of Dachau with appropriate study, prayers and ceremonies, as a tribute to our determination to eliminate the hatred that produced such horror from the face of the earth.

On the recommendation of the President's Commission on the Holocaust, I also ask the people of the United States to observe International Holocaust Commemoration Day on April 13, 1980.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of April, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4748 of April 11, 1980

Technical Amendments to Proclamation 4744

By the President of the United States of America

A Proclamation

By the authority vested in me as President by the Constitution and the laws of the United States, including Section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862), and the Emergency Petroleum Allocation Act of 1973, as amended (15 U.S.C. 751 *et seq.*), Proclamation 4744 is hereby amended as follows: *Ante*, p. 3736, *post*, p. 3750.

Section 1–101. Section 1–104 of Proclamation 4744 is amended by renumbering paragraph (a)(2) as (a)(3), and by the addition of a new paragraph (a)(2) to read:

"(a) . . .

(2) With respect to the entry of gasoline subject to the payment of a fee, the Secretary shall refund fees paid or reduce fees owed by the amount of any

additional levy which results in a reduction in entitlements obligations as set forth in Section 2–105(b) of this Proclamation and which is imposed and collected by Puerto Rico on such entries that are consumed in Puerto Rico; *provided*, that, with respect to each barrel, such refunds or reductions may not exceed the amount of the actual fee for the month in which the entry was made."

Ante, p. 3736.

Sec. 1–102. Section 2–105(a) of Proclamation 4744 is amended by revising the phrase "paragraphs (b) and (c)" to read "paragraph (b)".

Sec. 1–103. Section 2–109 of Proclamation 4744 is amended to read:

10 CFR 210, 211, 212.

"Sec. 2–109. Notwithstanding any provision to the contrary in the Energy Regulations:

10 CFR 212.83.

"(a)(1) A person that is a refiner may add to its B_1^t factor for gasoline (its increased purchased product costs as described in Section 212.83 of the Energy Regulations) for use in determining any current month's prices an amount equal to $4.20 multiplied by the number of barrels of gasoline subject to the gasoline conservation fee which that refiner entered into the United States in the month two months prior to such month. Any increases in gasoline prices that are allowed as a result of such addition to the B_1^t factor shall not be made prior to May 15, 1980.

"(2) If, in any current month beginning with June 1980, the amount of gasoline conservation fees on gasoline paid by a refiner in the month immediately preceding that month was greater or less than an amount determined by multiplying $4.20 by the number of barrels of gasoline subject to the gasoline conservation fee which were entered into the United States by that refiner in the month three months prior to that month, the difference shall be added to or subtracted from, respectively, that refiner's B_1^t factor for use in determining that month's prices.

"(b)(1) A person that is a refiner may add to its A_1^t factor for gasoline (its increased crude oil costs as described in Section 212.83 of the Energy Regulations) for use in determining any current month's prices an amount equal to $4.20 multiplied by the number of barrels of that refiner's gasoline production in the month two months prior to that month. Any increases in gasoline prices that are allowed as a result of such addition to the A_1^t factor shall not be made prior to May 15, 1980.

"(2) If, in any current month beginning with June 1980, the amount paid by a refiner for gasoline entitlements purchased in the month immediately preceding that particular month was greater or less than an amount determined by multiplying $4.20 by the number of barrels of that refiner's gasoline production in the month three months prior to that month, the difference shall be added to or subtracted from, respectively, that refiner's A_1^t factor for use in determining that month's prices.

"(3) The amount added to or subtracted from the A_1^t factor pursuant to this section shall not be subject to the "gasoline tilt" provision found in the last sentence of the first paragraph of Section 212.83(a)(2)(iii)(C) of the Energy Regulations."

Sec. 1–104. Section 3–103(a) of Proclamation 4744 is amended by revising the phrase "Section 3–103" to read "Section 3–102".

Sec. 1–105. Section 4–101 of Proclamation 4744 is amended by revising the phrase "April 14" to read "April 24".

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of April, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4749 of April 14, 1980

National Farm Safety Week, 1980

By the President of the United States of America

A Proclamation

Every year hundreds of thousands of farm and ranch residents suffer unnecessary injury, and sometimes disability and death, from accidents on the farm. The annual cost of these accidents totals several billion dollars. But statistics do not reveal the depth of personal loss and grief experienced by the injured and their families. Though progress has been made in many areas of farm accident control, more can be done.

Safety leaders have demonstrated that accidents and injuries can be effectively reduced by greater caution in work habits, by consistent use of protective equipment, and by careful planning for emergencies. A safer agricultural environment will be more productive and better able to meet the tremendous food and fiber needs of our people in the decade ahead.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate the seven-day period beginning July 25, 1980, as National Farm Safety Week. I urge the Nation's farmers and ranchers to adopt safe and sensible work practices and to remove unnecessary home and workplace hazards. Further, I call upon those who serve agricultural producers to become full partners in farm and community safety efforts.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of April in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4750 of April 15, 1980

Continuation of Emergency Building Temperature Restrictions

By the President of the United States of America

A Proclamation

I find that continued implementation of the Emergency Building Temperature Restrictions, Energy Conservation Contingency Plan No. 2, is required in the national interest. This Plan was transmitted by me to the Congress on March 1, 1979, and approved by resolution of each House of Congress in the manner provided by law. 44 FR 12911.

This Conservation Plan was implemented by me nine months ago because it was clear in view of unstable world production of crude oil that we could not rely on imports to meet our normal demand. Worldwide production of crude oil now is at levels even below those of the comparable period last year. We have had to terminate crude oil imports from Iran, and have experienced increased uncertainty about the level of continued crude oil supplies from other producing countries. Because of the actions of the Soviet Union in Afghanistan and the tensions between Iraq and Iran, the threat to the stability of commerce in the countries of the oil-producing Persian Gulf has increased.

This shortage of reliable supply has resulted in continued high U.S. dependence on insecure crude oil imports, which have experienced rapid price increases, substantially increasing our inflation rate and creating a major adverse impact on the national economy. These effects are likely to be of significant scope and duration, and may be exacerbated by additional shortages which, should they occur, are likely to be of an emergency nature resulting from interruption of the supply of foreign petroleum.

The risk to the Nation from this reliance on insecure oil imports has not diminished since the Plan was implemented nine months ago. Under applicable law the finding that a shortage of energy supply requires implementation of the Plan must be considered anew nine months after it was made. I therefore renew the finding and determination contained in Proclamation No. 4667 of July 10, 1979 under sections 201(b) and 3(8) of the Energy Policy and Conservation Act (42 U.S.C. 6261(b), 6202(8)).

42 USC 6261 note.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, by the authority vested in me by the Constitution and laws of the United States, including section 201(b) of the Energy Policy and Conservation Act (42 U.S.C. 6261(b)), do hereby proclaim that:

Sec. 1–101. The finding and determination under sections 3(8) and 201(b) of the Energy Policy and Conservation Act (42 U.S.C. 6202(8), 6261(b)) contained in Proclamation No. 4667 of July 10, 1979 are hereby renewed.

Sec. 1–102. This Proclamation shall be immediately transmitted to the Congress.

Sec. 1–103. The provisions of the Emergency Building Temperature Restrictions, Energy Conservation Contingency Plan No. 2 (44 FR 12911 of March 8, 1979) and the regulations thereunder, or any amendments thereto, shall continue in effect until January 16, 1981, unless earlier rescinded.

Sec. 1–104. In accordance with the provisions of this Plan and the regulations thereunder, the Secretary of Energy is hereby authorized to continue the administration of the program in all respects.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of April, in the year of our Lord nineteen hundred eighty, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4751 of April 23, 1980

Amendment to Proclamation 4744

By the President of the United States of America

A Proclamation

By the authority vested in me as President by the Constitution and the laws of the United States, including Section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862), and the Emergency Petroleum Allocation Act of 1973, as amended (15 U.S.C. 751 *et seq.*), Proclamation 4744, as amended, is hereby amended as follows:

Ante, pp. 3736, 3747.

Section 1-101. Section 3-101 of Proclamation 4744, as amended, is amended by redesignating paragraph (c) and (d) and by the addition of a new paragraph (c) to read:

"(c) The Secretary may make such adjustments to the requirements imposed by this Proclamation, as are necessary to prevent special hardship; *provided, however,* that no such adjustments shall be made with respect to the obligation to purchase or sell entitlements imposed by Section 2-1 of this Proclamation or the obligation to pay the gasoline conservation fees required by Section 1-1 of this Proclamation."

IN WITNESS WHEREOF, I have hereunto set my hand on this twenty-third day of April, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4752 of April 24, 1980

Jewish Heritage Week

By the President of the United States of America

A Proclamation

Ever since the first Dutch Jew set foot in New Amsterdam in 1654, Jews have been contributing bountifully to the culture and history of our country. Indeed, the history of the Jewish people in America goes all the way back to the Jewish scientists and mariners who helped Columbus reach the New World. Later, Jews took an active part in the War of Independence, in the settlement of the West, and in the dynamic expansion of American technology. In medicine, education, trade, the law, politics, the labor movement, religion, motion pictures, athletics, literature, and more, the Jewish people have richly endowed America and the American way of life. American Jews have made their heritage—a heritage of struggle for freedom, knowledge, and human dignity—part of the inheritance of all Americans.

In recognition of this contribution, and in an effort to foster understanding and appreciation of the cultural diversity that has made America great, Jewish Heritage Week is celebrated each spring throughout the United States. This April is a particularly appropriate month because it contains events of special significance to the Jewish calendar—Passover, the anniversary of the Warsaw Ghetto Uprising, Israeli Independence Day, Solidarity Sunday for Soviet Jewry, and the Days of Remembrance of Victims and Survivors of the Holocaust. Therefore, the Congress of the United States, by joint resolution, has requested the President to proclaim April 21 through April 28, 1980, as Jewish Heritage Week (H.J. Res. 474).

Ante, p. 338.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby proclaim the week beginning Monday, April 21, as Jewish Heritage Week.

I call upon the people of the United States, Federal and local government officials, and interested organizations to observe that week with appropriate ceremonies, activities, and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of April in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4753 of April 28, 1980

National Energy Conservation Days, National Transportation Week, 1980

By the President of the United States of America

A Proclamation

The security of our Nation and the vitality of our economy are dependent on our wise use of limited energy resources. Transportation consumes half of our petroleum fuel. As a Nation we have begun to conserve, but we can do much more—by using public transit, by joining carpools and vanpools, by driving efficiently, and by observing the 55 mile-per-hour speed limit.

Public transit plays an important role in the life of our cities by providing an energy-efficient means of commuting, by helping to relieve congestion, by improving air quality, and by helping to revitalize our downtown areas. Public transit is the best, and sometimes the only, means of transportation for many of our elderly, our poor, and our very young.

The national maximum 55 mile-per-hour speed limit is a proven way to save lives and energy. If all motorists obeyed the law, we would save almost 6 billion gallons of motor fuel each year. Compliance with the law also saves lives. For the three years before the 55 mile-per-hour speed limit became law annual fatalities averaged more than 54,000. For the following three years the average dropped to 45,000, proving that the law has been the single biggest factor in reducing highway fatalities.

The immense expenditure for individual driving adds to inflation, seriously affects our balance of payments, and threatens our standard of living. Careful selection, operation, and maintenance of our vehicles can reverse the trend in operating costs for all of us and reduce the need for imported oil.

Ridesharing has enormous energy-saving potential and can reduce substantially our Nation's dependence on imported oil. Currently, 52 million people drive alone to work. If these drivers joined together in sharing the ride, at least 26 million cars would be removed from our congested highways, and we could save an additional 22.7 million gallons of fuel each workday and help improve our air quality.

In view of the contributions of these measures to the conservation of our energy resources, NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, designate

Monday, May 12, 1980, as National Public Transit Day

Tuesday, May 13, 1980, as National Drive 55 Day

Wednesday, May 14, 1980, as National Driver Efficiency Day, and

Thursday, May 15, 1980, as National Ridesharing Day.

I urge all Governors, appropriate Federal officials, transportation organizations, and the people of the United States to join with the U.S. Department of Transportation in observing these days in recognition of the vital role that transportation plays in our daily lives and in the future of an energy-secure America.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of April, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4754 of May 1, 1980

Prayer for Peace
Memorial Day, May 26, 1980

By the President of the United States of America

A Proclamation

It has been a national tradition since the end of the Civil War to remember on Memorial Day the men and women of America who fought and died on the battlefield. We owe them a debt that can never be annulled. Their sacrifice endowed us with liberty and made our country a leader among nations.

But on this day of mourning and of homage to the heroes of the past, let us also remember the duty we owe to coming generations to be firm in the cause of liberty.

This past year we have had abundant proof that American courage still lives—eight Americans gave up their lives and others were seriously injured in the attempt to free their fellow Americans held hostage in Iran. We can take pride in our concern for national honor and in the firmness and restraint with which Americans face crisis. Mindful of our historic duty, we have become even more determined to defend our interests, protect our liberties, and promote our ideals. At the same time, we remain firmly committed to working with other nations to solve world problems together and to strengthen the foundations of world peace.

In recognition of those Americans to whom we pay tribute today, the Congress, by joint resolution of May 11, 1950 (64 Stat. 158), has requested the President to issue a proclamation calling upon the people of the United States to observe each Memorial Day as a day of prayer for permanent peace and designating a period on that day when the people of the United States might unite in prayer. 36 USC 169g.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate Memorial Day, Monday, May 26, 1980, as a day of prayer for permanent peace, and I designate the hour beginning in each locality at 11 o'clock in the morning of that day as a time to unite in prayer.

I urge the press, radio, television, and all other information media to cooperate in this observance.

I also request the Governors of the United States and the Commonwealth of Puerto Rico and the appropriate officials of all local units of government to direct that the flag be flown at half-staff during this Memorial Day on all buildings, grounds, and naval vessels throughout the United States and in all areas under its jurisdiction and control, and I request the people of the United States to display the flag at half-staff from their homes for the customary forenoon period.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of May, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4755 of May 5, 1980

Salute to Learning Day, 1980

By the President of the United States of America

A Proclamation

Throughout our history, Americans have been committed to the ideas of education and learning. In the eighteenth century, the law often decreed that land be set aside in each township for public schools. In the nineteenth century, hundreds of towns that were scarcely more than clearings in the wilderness nevertheless had their Lyceums, named for the garden in Athens where Aristotle taught, and dedicated to public enlightenment. As our Nation grew, teachers in every town and city spread the love of learning and offered the opportunity to make the American dream come true. In the twentieth century, education has become available to Americans of all ages, both inside the classroom and through a widening range of facilities and technological aids that allow them to pursue whatever skills and knowledge they might wish from childhood through old age.

America's gifts to the world include not only our Constitution, the incandescent light bulb and the automobile, but the free public school and the land-grant college system.

From the beginning we Americans have found practical ways to organize ourselves to make our dreams reality. And so we have built schools, public and private, from log cabin classrooms in the backwoods to gleaming city campuses of steel and marble. Today, education is our Nation's largest enterprise. State and local governments have exercised primary responsibility for public education, gradually expanding its range. The Federal government has sought to ensure access to equal educational opportunity for all our people. Higher education—once the privilege of a tiny elite—is now within the reach of virtually every American. We have been able to build the most comprehensive and open system of public education in the world because of the continuing commitment of Americans to the essential freedom to pursue knowledge and truth, and to the principle that if the people are to rule, they must be prepared.

Now, to meet the needs of the generations to come, we have established a Department of Education to express our national commitment to education, to promote equal educational opportunity, to assist local authorities in their efforts to improve our schools, and to administer Federal education programs more efficiently.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby proclaim this day, the 7th of May 1980, as Salute to Learning Day in honor of this beginning.

I call upon all parents and students, all teachers and administrators, all lawmakers and public officials—I call upon all my fellow citizens to celebrate this day. As a people, let us dedicate ourselves anew to building an educational system which will cherish young people, instill self-discipline and prepare students for tomorrow's world; which will encourage scientific curiosity and foster artistic creativity; which will support research, reward good teaching and honor high intellectual accomplishment.

Only by making this commitment can we pass on a tradition of educational excellence and equal opportunity to Americans of the twenty-first century and give them the tools they will need to shape their own interpretations of the American dream and make their own contributions to life, liberty, and the pursuit of happiness.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of May, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4756 of May 6, 1980

Tribute to Eight American Servicemen

By the President of the United States of America

A Proclamation

The names of the eight American servicemen who died in a mission of rescue in Iran will forever stand among the names of heroes. They were valiant men. They knew the danger of the task for which they had volunteered, and they were willing to confront that danger because they wished to right a terrible wrong.

At a time when the delicate, age-old patterns of diplomatic communication that help maintain the peace of the world are under direct attack, we have a great need of men and women ready to make the sacrifices that freedom and security require. The eight who gave their lives while attempting to free their fellow Americans from an illegal and intolerable captivity were such individuals. They knew the price that freedom can demand, and they were prepared to pay it. They laid down their lives for their countrymen, for their Nation's honor, and for the principles of justice and civilization. We mourn their loss; we admire their courage; we respect their dedication; and we reaffirm the principles for which they died.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, by virture of the authority vested in me as Commander-in-Chief of the Armed Forces (36 U.S.C. 178) do hereby proclaim that, as a mark of respect to the memory of these brave men, the flag of the United States shall be flown at half-staff on all buildings, grounds and naval vessels of the Federal government in the District of Columbia and throughout the United States and its Territories and possessions upon notification of the provisions of this Proclamation until sunset on Friday, May 9.

I also direct that the flag shall be flown at half-staff for the same length of time at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of May, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4757 of May 12, 1980

Flag Day and National Flag Week 1980

By the President of the United States of America

A Proclamation

Two hundred and five years ago, in June of 1775, the first distinctive American flags to be used in battle were hoisted above the Colonial defenses at the Battle of Bunker Hill. One of these flags was an adaptation of the British "Blue Ensign." The other was an entirely new design. Both, however, bore one device in common—the pine tree—chosen to symbolize the colonists' efforts to wrest their land from the forests.

As the colonists moved toward a final break with the mother country, other flags with more pointed messages began to appear. Several featured rattlesnakes, symbolizing vigilance and deadly striking power, and were emblazoned with the legends "Liberty or Death" and "Don't Tread on Me."
On January 1, 1776, the Grand Union flag was raised over Washington's Continental Army headquarters, displaying not only the British crosses of St. George and St. Andrew but also thirteen red and white stripes for the thirteen American colonies. That same year, the Bennington flag was unfurled, with thirteen stars, thirteen stripes and the number "76."

But it was not until the following year that the Continental Congress chose a flag that more tellingly expressed the unity and resolve of the Colonials who had banded together to seek independence. On June 14, 1777, two years after the Battle of Bunker Hill, the delegates voted "that the flag of the thirteen United States be thirteen stripes, alternate red and white; that the union be thirteen stars, white in a blue field representing a new constellation."

Today, thirty-seven stars and two centuries later, the flag chosen by the Continental Congress in Philadelphia continues to be our national flag and to symbolize our shared commitment to freedom and equality.

To commemorate the adoption of our flag, the Congress, by a joint resolution of August 3, 1949 (63 Stat. 492), designated June 14 of each year as Flag Day and requested the President to issue annually a proclamation calling for its observance. The Congress also requested the President, by joint resolution of June 9, 1966 (80 Stat. 194), to issue annually a proclamation designating the week in which June 14 occurs as National Flag Week and to call upon all citizens of the United States to display the flag on those days.

36 USC 157.

36 USC 157a.

NOW, THEREFORE, I, JIMMY CARTER, do hereby designate the week beginning June 8, 1980, as National Flag Week, and I direct the appropriate officials of the Government to display the flag on all Government buildings during the week. I urge all Americans to observe Flag Day, June 14, and

Flag Week by flying the Stars and Stripes from their homes and other suitable places.

To focus the attention of the American people on their country's character, heritage and future well-being, the Congress has also, by joint resolution of June 13, 1975, set aside the 21 days from Flag Day through Independence Day as a period to honor America (89 Stat. 211). 36 USC 157b.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of May, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4758 of May 13, 1980

Father's Day, 1980

By the President of the United States of America

A Proclamation

Each year, this Nation sets aside a special day to recognize, honor and celebrate the contributions America's fathers make to the well-being of our families and our society.

Father's Day is a time for all of us to remember and reflect on the unselfish sacrifices, the support and the guidance our fathers give us—physically, mentally and spiritually. It is a day, too, when we should share with them what they so willingly share with us and display our love and gratitude for the security and strength they provide.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby request that Sunday, June 15, 1980, be observed as Father's Day. I direct Government officials to display the flag of the United States on all Government buildings, and I urge all citizens to display the flag at their homes and other suitable places on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of May, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4759 of May 15, 1980

Modification of the Implementation of the Orderly Marketing Agreement and the Temporary Quantitative Limitation on the Importation Into the United States of Color Television Receivers and Certain Subassemblies Thereof

By the President of the United States of America

A Proclamation

On January 26, 1979, by Proclamation 4634, I proclaimed pursuant to the Constitution and the statutes of the United States, including section 203 of 19 USC 1202.

the Trade Act of 1974 (19 U.S.C. 2253) (the Trade Act), certain temporary quantitative limitations on the importation into the United States of color television receivers and certain subassemblies thereof, provided for in items 923.74 through 923.83, inclusive, of the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202).

Exports to the United States of color television receiver subassemblies, provided for in item 923.78, and subject to Proclamation 4634, fell considerably below the restraint level established by that Proclamation for the first restraint period. The existing carryover provision would allow an increase in the quantity to be entered during the second restraint period of only 29,700 units of such subassemblies. In the interest of equity, this Proclamation will increase the allowable carryover by 5,300 units to 35,000 units. The total number of such subassemblies exported to the United States and entered during the fifteen months covered by Proclamation 4634 will remain less than the number originally contemplated by that Proclamation.

19 USC 1202.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, in order to assure equitable treatment under Proclamation 4634 and acting under the authority vested in me by the Constitution and the statutes of the United States, including section 203 of the Trade Act (19 U.S.C. 2253), and in accordance with Article XIX of the General Agreement on Tariffs and Trade (GATT) (61 Stat. (pt. 5) A58; 8 U.S.T. (pt. 2) 1786) do proclaim that Subpart A, part 2 of the Appendix to the TSUS is modified as set forth in the Annex to this proclamation.

19 USC 1202.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of May, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Annex

Headnote 5(e) of subpart A, part 2, of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is modified to read as follows:

"(e) *Carryover.*—If the restraint level for any item has not been filled for a restraint period, upon appropriate request, the shortfall may be entered under the same item during the following restraint period provided that the amount of shortfall so entered in the next restraint period for (a) item 923.74 does not exceed 11 percent of the restraint level for the restraint period during which the shortfall occurred, (b) item 923.78 does not exceed 35,000 units, and (c) item 923.81 does not exceed 10 percent of the restraint level for the restraint period in which the shortfall occurred."

Proclamation 4760 of May 19, 1980

National Recreation and Parks Week

By the President of the United States of America

A Proclamation

From the beaches of Hawaii to the hills of New England, America's public recreation and park systems include outstanding features of our historical, cultural and natural heritage.

Magnificent canyons, splendid forests, the homes of great Americans—these are among the places preserved in Federal, State and local park systems. Recreation areas make everything from scuba diving to spelunking to plain old picnicking available to millions.

Among the Federal government's diverse holdings are national forests, grasslands, wildlife refuges, even the famous Gateway Arch in St. Louis. State park systems have similar treasures. Oregon's coast is dotted with State-run beaches that offer agate-hunting and surf-fishing, while New York's Adirondack Park—three times the size of Yellowstone and the country's largest State park—boasts more than 9000 square miles of wilderness within a day's drive of 55 million Americans.

The preservation of wilderness is one goal of the country's park systems. Accessibility is another. Parks and recreation areas all over the country offer a variety of programs, experiences and opportunities to all Americans, including the disabled, the disadvantaged, the elderly and the very young.

It is important that everyone be able to enjoy our landscape and history and to engage in healthy leisure activities—whether it's boating or fishing, walking or climbing. But to work well, to work for all of us and all our needs, the park systems need our help—our suggestions, our thoughts, our cooperation—especially in this time of energy conservation. These are contributions we can all make, this week and every week.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby proclaim June 1–7, 1980, as National Recreation and Parks Week. I call on all Americans to observe this occasion by giving serious thought to the ways they can better use and preserve the parks of this country.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of May, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4761 of May 19, 1980

Captive Nations Week, 1980

By the President of the United States of America

A Proclamation

Twenty-one years ago, by a joint resolution approved July 17, 1959 (73 Stat. 212), the Eighty-Sixth Congress authorized and requested the President to proclaim the third week in July as Captive Nations Week.

Throughout our history we Americans have held the deep conviction that liberty and independence are among mankind's inalienable rights. Our ideal has remained that of our founding fathers: governments derive their legitimacy from the consent of the peoples they govern. Soviet aggression against Afghanistan is the latest stark reminder that this ideal is not universally respected.

Mindful of our heritage and our principles, let us take this week to salute the men and women everywhere who are devoted to the cause of liberty and the pursuit of human rights in their native lands.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate the week beginning on July 13, 1980, as Captive Nations Week.

I invite the people of the United States to observe this week with appropriate ceremonies and activities and to reaffirm their dedication to the ideals that unite us and inspire others.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of May, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4762 of June 6, 1980

Petroleum Import Licensing Requirements

By the President of the United States of America

A Proclamation

By the authority vested in me as President by the Constitution and the laws of the United States, including Section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862), I hereby proclaim, effective immediately, that:

Ante, p. 3736.
19 USC 1862 note.

Any license for the importation of crude oil or gasoline as defined in Proclamation 4744 and issued thereunder shall remain valid, for purposes of Proclamation 3279, as amended, until 12:01 a.m. September 1, 1980, provided that the time period for which it was issued has not expired and that the volumes authorized to be imported under that license have not been entered into the United States.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of June, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4763 of June 16, 1980

50th Anniversary of the Veterans Administration

By the President of the United States of America

A Proclamation

Fifty years ago, on July 21, 1930, President Herbert Hoover established the Veterans Administration, fulfilling the words of Abraham Lincoln that our great Nation would "care for him who had borne the battle, and for his widow and orphan."

The world has seen much turbulence and suffering since that day, and American families have all touched in some sense the tragedy of war. Throughout this period, the Veterans Administration has set a standard of care and compassion.

On this 50th anniversary of the Veterans Administration, Americans take pride in having led the world in healing the physical and social wounds of war. Our system of assistance and care for veterans is the most comprehensive in the world. In medicine, the Veterans Administration has been a leader in innovation, research, and the quality of care. Its staff includes Nobel Prize winners and other men and women of international renown. Millions of Americans have been helped by Veterans Administration benefits and services, and protected by Veterans Administration life insurance. Veterans loan guarantees have made home ownership possible for tens of thousands of families, and GI Bill education has transformed the social fabric of America. These efforts express our appreciation and commitment to those who have sacrificed for our country and to the families of those who gave their lives in its service.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby proclaim July 21, 1980, as Veterans Administration 50th Anniversary Day, and call upon State and local officials and all Americans to observe this day with appropriate activities.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of June, in the year of our Lord nineteen hundred eighty, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4764 of June 18, 1980

National Athletic Boosters Week

By the President of the United States of America

A Proclamation

The young people of America are one of our greatest natural resources, and their health and well-being are vital to the health and well-being of the Nation. The thousands of youth athletic programs run by communities, schools, and private groups all across this country promote physical fitness among our youth—and more. They also give the young people of this country invaluable training in sportsmanship, fair play, and team effort. They are the training ground for those who will eventually replace us—and surpass us.

Youth athletic programs are heavily dependent on voluntary contributions of funds and services from individuals. Thanks to the generosity of Americans throughout the United States, these programs continue to succeed in their crucial task. Such volunteers are a credit to their communities and to the Nation.

The Congress, by House Joint Resolution 442, has requested the President to proclaim the week beginning June 22, 1980, as National Athletic Boosters Week. *Ante*, p. 549.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby proclaim the week beginning June 22, 1980, as National Athletic Boosters Week, and I call upon the people of the United States to observe it with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of June, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4765 of June 19, 1980

Afghanistan Relief Week

By the President of the United States of America

A Proclamation

From the beginning, the United States has been a shining symbol of hope to the oppressed and the destitute of the world. The lamp held high by the Statue of Liberty still sheds its light into the darkness of tyranny, poverty and war.

In the years since World War II, America has given substance to that symbol time after time. Our country has provided food, clothing, shelter and medicine to millions of people from Greece, Hungary, Czechoslovakia, Kampuchea, Bangladesh, Chile, Guatemala and many other places.

Last December, the non-aligned, Moslem nation of Afghanistan was suddenly and brutally invaded by almost a hundred thousand Soviet troops. Because of this act of aggression, which has earned the condemnation of the world, hundreds of thousands of Afghans have been forced to flee their country.

They have fled because their homes have been bombed, their crops and flocks have been destroyed, and their villages have been attacked with rockets, napalm, and other modern weaponry. Facing starvation, shelterless against the bitter cold of the mountain winter, some one million men, women and children have crossed the high passes to seek shelter in Pakistan, or have fled to Iran. Children and the old often die on the way. But despite the hardships, thousands more arrive each week.

The Afghans now constitute one of the largest concentrations of refugees in the world today. Most of them are destitute. They have been able to bring with them only their proud, resilient spirit of independence.

They desperately need shelter. And they need clothing, blankets, fuel and urgent medical care, especially for the women and children.

Americans can help—and Americans must help. I call upon all Americans to help the Afghan refugees through contributions to agencies involved in the relief efforts, both the UN High Commission for Refugees and the dedicated private voluntary agencies.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby proclaim the week of July 21 through July 27, 1980, as Afghanistan Relief Week and urge my fellow citizens to join with international relief agencies in assisting and helping the Afghan refugees in their struggle for survival.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of June, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4766 of June 19, 1980

Imports of Petroleum and Petroleum Products

By the President of the United States of America

A Proclamation

Congress has terminated the Petroleum Import Adjustment Program (PIAP), which was designed to reduce the threat to our nation's security caused by our dependence on imported oil. Consistent with this Congressional action, I am rescinding Proclamation 4744 which established the PIAP. *Ante*, p. 3736.

The threat to national security, however, has not dissipated, and an effective means of reducing oil imports remains an imperative. I will work with Congress to reach this objective. In the meantime, the Mandatory Oil Import Program, which the PIAP had modified, will once again govern all importation of oil into this country. The small import fees associated with that Program were first imposed in 1973 and have been suspended since April 6, 1979. Under present circumstances, these fees would not fulfill the long term purposes for which they were originally adopted. I have therefore determined that a further six month suspension of these fees is consistent with the development of a more comprehensive program for reducing oil imports.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States, including Section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862), do hereby proclaim that:

Section 1–101. Proclamation 4744, as amended, is rescinded in its entirety, effective March 15, 1980.

Sec. 1–102. Proclamation 3279, as amended, is further amended in section 3(a)(1)(i) by deleting both the term "through June 30, 1979." and the clause following that term, and by substituting therefor: "through December 31, 1980;". 19 USC 1862 note.

Sec. 1–103. Proclamation 3279, as amended, is further amended in section 3(a)(1)(ii) by deleting both the term "through June 30, 1979." and the clause following that term, and by substituting therefor: "through December 31, 1980;".

Sec. 1–104. Proclamation 3279, as amended, is further amended by deleting section 3(a)(1)(viii).

Sec. 1–105. (a) Proclamation 4762 is revoked. *Ante*, p. 3760.

(b) Section 1 of Proclamation 3279, as amended, is amended by adding a new subsection (f), to read as follows: "Except with respect to licenses issued pursuant to the next to last sentence of Section 4(b)(1) of this Proclamation, all licenses issued pursuant to this Proclamation which could be utilized to enter crude oil or gasoline pursuant to another Proclamation shall expire effective 12:01 a.m., April 24, 1980. Licenses issued for the entry of crude oil and gasoline pursuant to Proclamation 4744, as amended, shall 19 USC 1862 note.

be considered to have been and to be issued pursuant to the authority contained in this Proclamation and shall be subject to all of its terms and conditions (except for those in the preceding sentence), including those arising by virtue of the implementing regulations and interpretations.".

Sec. 1–106. Section 8 of Proclamation 3279, as amended, is amended by deleting the period at the end of the next to last paragraph and by adding at the end of that paragraph the following words: "; provided, that the system of issuing allocations and licenses with respect to exchanges under Section 4(b)(1) of this Proclamation shall remain in effect during any period in which a fee of $0.00, as provided in Section 3 of this Proclamation, is in effect.".

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of June, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America, the two hundred and fourth.

JIMMY CARTER

Proclamation 4767 of June 19, 1980

Helen Keller Day

By The President of the United States of America

A Proclamation

Stories of brave individuals battling seemingly insurmountable odds fire our imagination and pride as human beings. So it is with the remarkable life of Helen Keller. Her incredible fight against, and eventual triumph over, the multiple handicaps of deafness and blindness made her a world-famous symbol of hope for all handicapped people.

Today we honor the 100th anniversary of Helen Keller's birth. In so doing, we honor also the patience and understanding of her devoted teacher Anne Sullivan. Helen Keller refused to let her handicaps cut her off from a life of usefulness and service to others. Through her own determination and faith, she was able to develop and use her talents and demonstrate how much even the most severely handicapped individual can accomplish when proper training and rehabilitation opportunities are provided.

As a mark of respect for her achievements, the Congress, by joint resolution, has authorized the President to proclaim June 27, 1980, as "HELEN KELLER DAY".

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate June 27, 1980, as "HELEN KELLER DAY". I urge all appropriate Federal Departments and agencies to foster the recognition of Helen Keller's achievements on that day with ceremonies, programs, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of June, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4768 of June 28, 1980

Proclamation To Carry Out the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade (the Customs Valuation Code) and for Other Purposes

By the President of the United States of America

A Proclamation

1. Pursuant to Section 204(a)(2) of the Trade Agreements Act of 1979 (93 Stat. 203) in order to implement, beginning on July 1, 1980, the new customs valuation standards as provided in Title II of that Act, and for other purposes, I make the following determinations, and do proclaim as hereinafter set forth.

93 Stat. 194.

2. Section 225 of the Trade Agreements Act of 1979 (93 Stat. 235), Sections 131, 132, 133, 134, 135, and 161(b) of the Trade Act of 1974 (19 U.S.C. 2151, 2152, 2153, 2154, 2155, and 2211(b)) and Section 4(c) of Executive Order No. 11846 of March 27, 1975 (3 CFR 1971–1975 Comp. 974), have been complied with.

19 USC 2111 note.

3. Pursuant to Section 101(a) of the Trade Act of 1974 (19 U.S.C. 2111(a)) and having made the determinations required by that section with regard to the following trade agreements, I, through my duly empowered representative, (1) on July 11, 1979, entered into a trade agreement with other contracting parties to the General Agreement on Tariffs and Trade (61 Stat. (pts. 5 and 6)), as amended (the General Agreement), with countries seeking to accede to the General Agreement, and the European Communities, which agreement consists of the Geneva (1979) Protocol to the General Agreement, including a schedule of United States concessions annexed thereto (hereinafter referred to as "Schedule XX (Geneva–1979)"), (2) on December 18, 1979, entered into a trade agreement with Switzerland, which agreement consists of an exchange of letters, a copy of which is annexed to this proclamation as Part 2 of Annex I, (3) on December 21 and 27, 1979, and on January 2, 1980, entered into trade agreements with the European Communities, which agreements consist of joint memoranda, copies of which are annexed to this proclamation as Part 3 of Annex I, (4) on January 2, 1980, entered into a trade agreement with the Dominican Republic, which agreement consists of an exchange of letters, a copy of which is annexed to this proclamation as Part 4 of Annex I, and (5) on December 29, 1979, entered into a trade agreement with Indonesia, which agreement consists of a memorandum and an exchange of letters, copies of which are annexed to this proclamation as Part 5 of Annex I.

61 Stat. A3, A1365.

45 FR 45138.

4. After having complied with Section 102 of the Trade Act of 1974 (19 U.S.C. 2112), and having made the required determinations, I notified Congress of my intention to enter into the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade (a copy of which is annexed to this proclamation as Part 1 of Annex I); and an implementing bill, approving the agreement and the proposed administrative action, has been enacted into law (Section 2(a) of the Trade Agreements Act of 1979 (93 Stat. 147)).

61 Stat. A25;
8 UST 1770.
45 FR 45138.

19 USC 2503.

5. (a) Pursuant to Section 2(b)(3) of the Trade Agreements Act of 1979 (93 Stat. 147), I determine (1) that each major industrial country, as defined therein, with the exception of Canada, is accepting the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade, (2) that the acceptance of this Agreement by Canada is not essential to the

effective operation of the Agreement, (3) that a significant portion of United States trade will benefit from the Agreement, notwithstanding such nonacceptance, and (4) that it is in the national interest of the United States to accept the Agreement (and have so reported to the Congress);

(b) Pursuant to Section 204(a)(2) (A) and (B) of the Trade Agreements Act of 1979 (93 Stat. 203), I determine that the European Communities (including the European Economic Community) have accepted the obligations of the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade with respect to the United States and each of the member states of the European Communities has implemented the Agreement under its laws (effective July 1, 1980);

45 FR 45139.

(c) Pursuant to Section 503(a)(1) of the Trade Agreements Act of 1979 (93 Stat. 251), I determine, after interested parties were provided an opportunity to comment, that the articles classifiable in the following new items of the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202), added thereto by Annex II to this proclamation, were not imported into the United States before January 1, 1978, and were not produced in the United States before May 1, 1978:

402.54
402.82
403.14
403.59
403.66
404.30
404.38
404.47
404.90
405.09
405.34
405.62
405.70
405.82
406.09
406.42
406.58
406.63
407.07
408.23
408.29
408.38
409.28
409.68
409.76
409.84
409.92
410.02
410.10
410.18
410.22
410.34
411.10
411.42
411.50
411.58
411.74
411.86
411.96
412.04
412.12
412.36
412.40
412.50
412.66
412.70
413.30;

45 FR 45229.

(d) Pursuant to Section 503(a)(2)(A) of the Trade Agreements Act of 1979 (93 Stat. 251), I determine, after providing interested parties an opportunity to comment, that each article identified in Annex IV to this proclamation is not import sensitive.

6. Each modification of existing duty proclaimed herein which provides with respect to an article for a decrease in duty below the limitation specified in Sections 101(b)(1) or 109(a) of the Trade Act of 1974 (19 U.S.C. 2111(b)(1) or 2119(a)), and each modification of any other import restriction or tariff provision so proclaimed is authorized by one or more of the following provisons or statutes:

(a) Section 101(b)(2) of the Trade Act of 1974 (19 U.S.C. 2111(b)(2)), by virtue of the fact that the rate of duty existing on January 1, 1975, applicable to the article was not more than 5 percent ad valorem (or ad valorem equivalent);

(b) Section 109(b) of the Trade Act of 1974 (19 U.S.C. 2119(b)), by virtue of the fact that I have determined, pursuant to that section, that the decrease authorized by that section will simplify the computation of the amount of duty imposed with respect to the article; and

(c) The Trade Agreements Act of 1979 (93 Stat. 144 *et seq.*) including, but not limited to, Sections 503(a)(1), (2)(A) and (6) (93 Stat. 251 and 252) by virtue of the fact that they permit departures from the staging provisions of Section 109(a) of the Trade Act of 1974 (19 U.S.C. 2119(a)).

7. In the case of each decrease in duty, including those of the type specified in clause (a) or (b) of the sixth recital of this proclamation, which involves the determination of the ad valorem equivalent of a specific or compound rate of duty, and in the case of each modification in the form of an import duty, the United States International Trade Commission has determined, pursuant to Section 601(4) of the Trade Act of 1974 (19 U.S.C. 2481(4)), in accordance with Section 4(e) of Executive Order No. 11846 of March 27, 1975 (3 CFR 1971–1975 Comp. 973), and at my direction, the ad valorem equivalent of the specific or compound rate, on the basis of the value of imports of the article concerned during a period determined by it to be representative, utilizing, to the extent practicable, the standards of valuation contained in Sections 402 and 402a of the Tariff Act of 1930 (19 U.S.C. 1401a and 1402) applicable to the article during such representative period.

19 USC 2111 note.

8. Pursuant to the Trade Act of 1974 and the Trade Agreements Act of 1979, I determine that each modification or continuance of existing duties or other import restrictions and each continuance of existing duty-free or excise treatment hereinafter proclaimed is required or appropriate to carry out the trade agreements identified in the third recital of this proclamation or the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade.

19 USC 2101.

61 Stat. A25;
8 UST 1770.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes, including but not limited to Title I and Section 604 of the Trade Act of 1974, Section 2 and Titles II and V of the Trade Agreements Act of 1979, and Section 301 of Title 3 of the United States Code, do proclaim that:

19 USC 21111,
2483.
19 USC 2503;
93 Stat. 194, 250.

(1)(a) The valuation standards amendments made by Title II of the Trade Agreements Act of 1979 (93 Stat. 194 *et seq.*) to Sections 402 and 402a of the Tariff Act of 1930 (19 U.S.C. 1401a and 4102), and,

(b) subject to the provisions of the General Agreement, of the Geneva (1979) Protocol, of other agreements supplemental to the General Agreement, of the other agreements identified in recitals 3 and 4, and of United States Law (including but not limited to provisions for more favorable treatment),—

(i) the modification or continuance of existing duties or other import restrictions, and

(ii) the continuance of existing duty-free or excise treatment provided for in these agreements and in trade agreements legislation, shall become effective on or after July 1, 1980, as provided for herein.

(2) To this end—

(a) The amendments made by Title II of the Trade Agreements Act of 1979 (93 Stat. 194 *et seq.*), except amendments made by section 223(b), shall be effective with respect to articles exported to the United States on and after July 1, 1980:

93 Stat. 204.

(b) The TSUS is modified as provided in Annexes II, III and IV of this proclamation;

45 FR 45139,
45213, 45229.

(c) The modifications to the TSUS made by Sections A and C of Annex II, and Section A of Annex III, of this proclamation shall be effective with respect to articles exported to the United States on and after the effective dates specified in those annexes;

(d) The modifications to the TSUS made by Sections B, D and E of Annex II, Section B of Annex III, and Sections A and B of Annex IV, of this proclamation shall be effective with respect to articles entered, or withdrawn from warehouse for consumption, on and after the effective dates specified in those annexes;

(e) The United States Trade Representative shall make the necessary determinations relevant to the designation of the effective dates of the modifications of the TSUS made by Sections F and G of Annex II and Section C of Annex III to this proclamation, and shall publish in the **Federal Register** the effective date with respect to each of the modifications made by these sections; such modifications shall apply to articles entered, or withdrawn from warehouse for consumption, on and after such effective date;

45 FR 45229.
93 Stat. 1782.

(f) With respect to the modifications to the TSUS made by Annex IV to this proclamation and Annex IV to Presidential Proclamation 4707 of December 11, 1979, relating to special treatment for the least developed developing countries (LDDC's), whenever the rate of duty specified in the column numbered 1 for any TSUS item is reduced to the same level as the corresponding rate of duty specified in the column entitled "LDDC" for such item, or to a lower level, the rate of duty in the column entitled "LDDC" shall be deleted from the TSUS;

93 Stat. 1629, 1782.

(g) Annexes III and IV of Presidential Proclamation 4707 of December 11, 1979, are superseded to the extent inconsistent with this proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand this 28th day of June, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Editorial Note: The annexes to Proclamation 4768 are printed in the **Federal Register** of July 2, 1980 (45 FR 45135).

Proclamation 4769 of June 30, 1980

Extension of the Orderly Marketing Agreements and Temporary Quantitative Limitations on the Importation Into the United States of Color Television Receivers and Certain Subassemblies Thereof

By the President of the United States of America

A Proclamation

19 USC 1202.

1. By Proclamation 4634 of January 26, 1979, the President proclaimed, under the authority of the Constitution and the statutes of the United States, including sections 203(a)(5), (e)(3) and (g)(2) of the Trade Act of 1974 (19 U.S.C. 2253(a)(5), (e)(3) and (g)(2)) (the Trade Act), the implementation of the orderly marketing agreements entered into with Taiwan and with the Republic of Korea which imposed quantitative restrictions on imports from Taiwan and Korea of color television receivers and certain subassemblies thereof. The limitations applied to covered articles entered, or withdrawn from warehouse for consumption, on or after February 1, 1979, and were to continue through June 30, 1980, unless earlier modified or terminated. Proclamation 4759 of May 15, 1980, modified Proclamation 4634. The limitations currently in effect, applicable to articles provided for in items 923.74 through 923.83, inclusive of the Tariff Schedules of the United States (TSUS)

Ante, p. 3757.

(19 U.S.C. 1202), will terminate at the close of June 30, 1980, unless extended by the President under section 203(h)(3) of the Trade Act (19 U.S.C. 2253(h)(3)).

2. On May 16, 1980, the United States International Trade Commission (USITC), in accordance with sections 203(i) (3) and (5) of the Trade Act (19 U.S.C. 2253(i) (3) and (5)), reported the results of its investigation under section 203(i)(3) of the Trade Act (19 U.S.C. 2253(i)(3)) to the President (USITC Publication 1068). The USITC advised the President that termination of the import relief currently in effect with respect to certain color television receivers and subassemblies thereof will have an adverse effect on the domestic industry producing like or directly competitive products.

3. Section 203(h)(3) and (5) of the Trade Act (19 U.S.C. 2253(h)(3) and (5)) provides that any import relief instituted under the authority of section 203 may be extended by the President at a level no greater than that in effect at the time of extension if the President determines, after considering the advice of the USITC and the factors indicated in section 202(c) of the Trade Act (19 U.S.C. 2252(c)), that such extension is in the national interest.

4. In accordance with section 203(h)(3) of the Trade Act (19 U.S.C. 2253(h)(3)), I have determined that the level of import relief hereinafter proclaimed extends import relief at a level no greater than that in effect for the period of February 1, 1979 through June 30, 1980, and, having considered the advice given by the USITC in its report to the President and the factors indicated in section 202(c) of the Trade Act (19 U.S.C. 2252(c)), I have determined that the extension of the orderly marketing agreements with the Coordinating Council for North American Affairs and the Republic of Korea, covering certain color television receivers and subassemblies thereof as provided in the Annex to this proclamation, is in the national interest.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, acting under the authority vested in me in the Constitution and the statutes of the United States, including section 203 of the Trade Act (19 U.S.C. 2253), section 604 of the Trade Act (19 U.S.C. 2483), section 301 of Title 3 of the United States Code, and sections 4(b)(2) and 6(b) of the Taiwan Relations Act (22 U.S.C. 3303(b)(2) and 3305(b)), and in accordance with Article XIX of the General Agreement on Tariffs and Trade (GATT) (61 Stat. (pt. 5) A58; 8 UST (pt. 2) 1786), do proclaim that—

(1) Orderly marketing agreements, with respect to trade in certain color television receivers and subassemblies thereof, extending in part those currently in effect, were initialed June 28, 1980 by the Government of the United States of America and the Government of the Republic of Korea, and on June 28, 1980 by the American Institute in Taiwan and the Coordinating Council for North American Affairs. Both agreements will be signed in the near future.

These agreements, which will be made effective July 1, 1980, are to be implemented according to their terms and by the quantitative restrictions as directed in this proclamation, including the Annex.

(2) The Tariff Schedules of the United States (19 U.S.C. 1202) are modified as set forth in the Annex to this proclamation.

(3) The authority of the President under section 203(e)(2) of the Trade Act (19 U.S.C. 2253(e)(2)) to negotiate orderly marketing agreements with other foreign country suppliers of articles subject to this proclamation after any import relief proclaimed pursuant to section 203(a)(1), (2), (3) or (5) of the Trade Act (19 U.S.C. 2253(a)(1), (2), (3) or (5)) takes effect is delegated to the United States Trade Representative (Trade Representative). The author-

ity of the President, under section 203(e)(3) of the Trade Act (19 U.S.C. 2253(e)(3)) to determine that any agreement negotiated pursuant to section 203(a)(4) or (5) or 203(e)(2) of the Trade Act (19 U.S.C. 2253(a)(4) or (5) or 2253(e)(2)) is no longer effective, is delegated to the Trade Representative, to be exercised after consultation with representatives of the member agencies of the Trade Policy Committee. In the event of such a determination, the Trade Representative shall submit to the President a proclamation to implement import relief authorized by section 203(e)(3) of the Trade Act (19 U.S.C. 2253(e)(3)).

(4) The authority of the President in section 203(g)(1) and (2) of the Trade Act (19 U.S.C. 2253(g)(1) and (2)), having been delegated to the Secretary of the Treasury under section 5(b) of Executive Order No. 11846, shall be exercised by the Secretary of the Treasury, upon direction by the Trade Representative, in consultation with representatives of the member agencies of the Trade Policy Committee.

19 USC 2111 note.

(5) In exercising the authority delegated in paragraphs (3) and (4) above, the Trade Representative shall, in addition to other necessary actions, institute the following actions:

(a) Statistics on imports of articles covered by the agreements shall be collected on a monthly basis.

(b) If, for two years beginning on July 1, 1980, the quantity of imports of the articles covered by the agreements from sources other than those covered by the agreements described in paragraph (1) appears likely to disrupt the effectiveness of the provisions of the orderly marketing agreements described in paragraph (1) above, the Trade Representative may initiate consultations with those countries and may exercise the authority under 203(g)(2) of the Trade Act (19 U.S.C. 2253(g)(2)) to prevent further entry of such articles for the remainder of that restraint period or otherwise moderate or restrict imports of such articles from such countries. Before exercising this authority, the Trade Representative shall consult with representatives of the member agencies of the Trade Policy Committee.

(c) Should the Trade Representative, under the authority of this proclamation, determine to institute import restrictions on articles entered, or withdrawn from warehouse for consumption, from sources other than those covered by the agreements described in paragraph (1) that action shall be effective not less than eight days after the publication in the **Federal Register** of the determination and any necessary changes in the TSUS.

(6) The Trade Representative shall take those actions and perform those functions for the United States which may be necessary concerning the administration, implementation, modification, amendment or termination of the agreements described in paragraph (1) of this proclamation, and any actions and functions necessary to implement paragraphs (3), (4) and (5) of this proclamation. In carrying out his responsibilities under this paragraph, the Trade Representative is authorized to delegate, to appropriate officials or agencies of the United States, authority to perform any functions necessary for the administration and implementation of the agreements or actions. The Trade Representative is authorized to make any changes in the TSUS which may be necessary to carry out the agreements or actions. Any changes in the agreements shall be effective not less than 8 days following their publication in the **Federal Register**.

(7) The Commissioner of Customs shall take those actions which the Trade Representative determines are necessary to carry out the agreements described in paragraph (1) of this proclamation and to implement any import relief under the authority of paragraphs (3), (4) and (5) of this proclamation,

or any modification of it, with respect to the entry, or withdrawal from warehouse for consumption, into the United States of products covered by the agreements or by other import relief authorized above.

(8) The USITC shall issue reports and conduct the following surveys with respect to the certain color television receivers, and subassemblies thereof the subject of this proclamation:

(a) *Quarterly* surveys by calendar quarter to obtain from producers in the United States monthly data on production, shipments, inventories, employment, man-hours, prices, and other economic factors indicative of conditions in the U.S. industry. The initial surveys shall cover the second quarter of 1980. Subsequent surveys shall cover individual quarters with the last such survey covering the quarter which ends not less than 60 days prior to the termination of the import relief. The USITC shall publish the results of the surveys within 45 days after the end of the surveyed quarter.

(b) *Annual.* Annual surveys to obtain data from producers in the United States by calendar quarter on profits, capacity, and annual data on capital expenditures and research and development expenditures; and to obtain from importers data by calendar quarter on prices, orders, and inventories. The initial surveys shall cover the calendar year 1980, and the results shall be published by March 31, 1981. The results of subsequent surveys shall be published by March 31 of each year thereafter so long as the import relief is in effect.

(9) This proclamation shall be effective as of July 1, 1980, and shall continue in force through June 30, 1982, unless the period of its effectiveness is earlier expressly modified or terminated.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of June, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Annex

Subpart A, part 2 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is modified—

(a) by redesignating headnotes 5, 6 and 7 as headnotes 6, 7, and 8, respectively, and by inserting the following new headnote 5 in numerical sequence:

"5. *quantitative limitation on certain color television receivers and certain subassemblies thereof.*—The provisions of this headnote apply to items 923.66 through 923.72, inclusive, of this subpart. The quantitative import limitations imposed are in addition to the duties provided for the restrained articles in schedule 6, part 5. The import restrictions provided for in this subpart do not apply to a single color television receiver if imported for the personal use of the importer.

(a) Definitions.—For the purposes of this subpart—

(i) the term *"color television receivers"* refers to—

(1) fully assembled color television receivers, whether or not packaged or tested, for distribution to the ultimate purchaser,

(2) kits containing all the parts necessary for assembly of a complete color television receiver, and

(3) assemblies other than the above, which consist at least of, or are covered in the same entry with, a color picture tube and a printed circuit board

or ceramic substrate, with components assembled thereon, designed to pe
form the intermediate frequency amplification functions or the picture ar
audio demodulation functions of a color television receiver;

(ii) each subassembly for a color television receiver that contains as a cor
ponent, or is covered in the same entry with, one or more of the followir
television components, viz., tuner, channel selector assembly, antenna, d
flection yoke, degaussing coil, picture tube mounting bracket, grounding a
sembly, parts necessary for fixing the picture tube or tuner in place, co
sumer operated controls, or speaker, shall be classified in items 923.69
923.72;

(iii) for the purpose of items 923.69 and 923.72, each subassembly shall l
counted as a single unit, except that two or more different printed circu
boards or ceramic substrates covered by the same entry and designed f
assembly into the same television models shall be counted as one unit;

(iv) the term *"exported"* refers to the actual date the merchandise final
leaves the country of exportation for the United States as provided for
section 152.1(c) of the U.S. Customs Regulations (19 CFR 152.1(c)).

(b) *Export visa.*—None of the color television receivers provided for here
exported on or after July 1, 1980, may be entered unless such color telev
sion receivers are accompanied by an appropriate export visa.

(c) *Color television receivers exported and entered in different restraint p
riods.*—Color television receivers provided for in items 923.66 throu
923.72, inclusive, which are exported during one restraint period, but are e
tered more than 90 days following the beginning of the subsequent restrai
period, shall be counted against the restraint level for that subsequent r
straint period. Color television receivers provided for in items 923.
through 923.72, inclusive, which are exported during one restraint period
excess of the restraint level for such period, may be entered after the begi
ning of that subsequent restraint period and shall be counted against t
restraint level for that subsequent restraint period.

(d) *Carryover.*—If the restraint level for color television receivers has n
been filled for the restraint period ending June 30, 1980, or the restrai
period ending June 30, 1981, upon appropriate request of the Coordinati
Council for North American Affairs (CCNAA) or the Government of the R
public of Korea, the shortfall may be entered during the following restra
period provided that the amount of shortfall so entered does not exceed
percent of the restraint level for the restraint period during which the sho
fall occurred.

(e) *Exceeding restraint levels.*—Upon appropriate request of the CCNAA
of the Government of the Republic of Korea, the restraint level for ite
923.66 or 923.70 may be exceeded by not more than 10 percent. If the r
straint level is exceeded, the United States Trade Representative sh
make a downward adjustment of the restraint level for item 923.68
923.71, in the absolute amount the restraint level for item 923.66 or 923.
was exceeded.

(b) by deleting headnote 6(f), as redesignated herein, and substituting t
following new headnote 6(f) in lieu thereof:

"(f) *Exceeding restraint levels.*—The restraint level for item 923.83 may
exceeded by not more than 50,000 units.";

(c) by inserting in numerical sequence the following new provisions:

Item	Articles	
	Whenever the respective aggregate quantity of color television receivers and subassemblies thereof specified below for items 923.66 through 923.72, inclusive, the product of Taiwan or of the Republic of Korea has been exported in any restraint period and has been entered, no article in such item the product of Taiwan or of the Republic of Korea exported during such restraint period may be entered except, as provided in headnote 5:	
	Taiwan:	
	Color television receivers, having a single picture tube intended for direct viewing, with a video display diagonal of 12.5 inches and over, provided for in items 685.11 or 685.14:	
923.66	If exported during the period from July 1, 1980, through June 30, 1981, inclusive	400,000
923.68	If exported during the period from July 1, 1981, through June 30, 1982 inclusive	425,000
923.69	Printed circuit boards and ceramic substrates with components assembled thereon, for color television receivers; subassemblies containing one or more of such boards or substrates, except tuners or convergence assemblies, all the foregoing not having a picture tube, and entered with components enumerated in headnote 5(a)(ii) and with all or part of a chassis frame, provided for in item 685.15	No restriction
	Republic of Korea:	
	Color television receivers, having a single picture tube intended for direct viewing, with a video display diagonal of 12.5 inches and over, provided for in items 685.11 or 685.14:	
923.70	If exported during the period from July 1, 1980, through June 30, 1981, inclusive	385,000
923.71	If exported during the period from July 1, 1981, through June 30, 1982, inclusive	575,000
923.72	Printed circuit boards and ceramic substrates with components assembled thereon, for color television receivers; subassemblies containing one or more of such boards or substrates, except tuners or convergence assemblies, all the foregoing not having a picture tube, and entered with components enumerated in headnote 5(a)(ii) and with all or part of chassis frame, provided for in item 685.15	No restriction

(d) by deleting headnote 6, as redesignated herein, and items 923.74 through 923.83, inclusive, including the superior headings thereto, effective October 1, 1980.

Proclamation 4770 of July 1, 1980

Amendment of Proclamation No. 4663 Regarding the Allocation of Quotas on Certain Sugars, Sirups, and Molasses

By the President of the United States of America

A Proclamation

1. Proclamation No. 4663 of May 24, 1979, modified Headnote 3 of Subpart A, Part 10, Schedule 1 of the Tariff Schedules of the United States (TSUS)

(19 U.S.C. 1202), authorizing the Secretary of State to allocate the sugar import quota among supplying countries or areas to the extent necessary to conform with the International Sugar Agreement, 1977, which the United States then was applying provisionally.

2. The United States signed the International Sugar Agreement on January 2, 1980. The International Sugar Agreement 1977, Implementation Act (P.L. 96-236; 94 Stat. 336) (the Act) enacted on April 22, 1980, authorized full implementation of United States rights and obligations under that agreement.

3. In order to carry out and enforce the International Sugar Agreement, the Act authorizes the President to limit the entry into the United States of sugar, as defined in the Agreement, which is the product of foreign countries, territories or areas not members of the International Sugar Agreement, to take other action and to issue and enforce rules and regulations necessary or appropriate to enforce U.S. rights and obligations under the Agreement. The President also is authorized to designate agencies or offices of the United States which will exercise the powers and functions conferred by the Act.

5 USC app.

45 FR 45243.

4. Reorganization Plan Number 3 of 1979, transferred to the United States Trade Representative the functions of the Secretary of State with respect to commodity agreements. Executive Order No. 12224 of July 1, 1980, delegated the powers and duties of the President to the United States Trade Representative.

19 USC 1202.

5. To reflect the developments described in paragraphs 2, 3, and 4, Proclamation 4663 must be amended. The actions proclaimed below conform with the International Sugar Agreement, 1977, and give due consideration, as required by Headnote 2, of Subpart A, Part 10, Schedule 1 of the TSUS, to the interests of domestic producers of sugar in the United States and of affected contracting parties to the General Agreement on Tariffs and Trade.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, acting under the authority vested in me by the Constitution and statutes of the United States, including the International Sugar Agreement 1977, Implementation Act (P.L. 96-236; 94 Stat. 336) and in conformity with Headnote 2 of Subpart A, Part 10, Schedule 1 of TSUS, do hereby proclaim:

19 USC 1202.

(1) The first paragraph of Headnote 3 of Subpart A, Part 10, Schedule 1 of the TSUS is modified by substituting for the second and third sentences of that paragraph the following:

"The U.S. Trade Representative or his designee may allocate this quantity among supplying countries or areas, and may prescribe further rules, regulations, limitations or prohibitions on the entry of sugar in accordance with the International Sugar Agreement, 1977, and Public Law 96-236. The U.S. Trade Representative or his designee shall inform the Commissioner of Customs of any such action regarding the importation of sugar, and shall publish notice thereof in the **Federal Register**".

(2) The provisions of this proclamation are effective July 1, 1980.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of July, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4771 of July 2, 1980

Registration Under the Military Selective Service Act

By the President of the United States of America

A Proclamation

Section 3 of the Military Selective Service Act, as amended (50 U.S.C. App. 453), provides that male citizens of the United States and other male persons residing in the United States who are between the ages of 18 and 26, except those exempted by Sections 3 and 6(a) of the Military Selective Service Act, must present themselves for registration at such time or times and place or places, and in such manner as determined by the President. Section 6(k) provides that such exceptions shall not continue after the cause for the exemption ceases to exist.

50 USC app. 456.

The Congress of the United States has made available the funds (H.J. Res. 521, approved by me on June 27, 1980), which are needed to initiate this registration, beginning with those born on or after January 1, 1960.

Ante, p. 552.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, by the authority vested in me by the Military Selective Service Act, as amended (50 U.S.C. App. 451 *et seq.*), do hereby proclaim as follows:

1-1. *Persons to be Registered and Days of Registration.*

1-101. Male citizens of the United States and other males residing in the United States, unless exempted by the Military Selective Service Act, as amended, who were born on or after January 1, 1960, and who have attained their eighteenth birthday, shall present themselves for registration in the manner and at the time and places as hereinafter provided.

1-102. Persons born in calendar year 1960 shall present themselves for registration on any of the six days beginning Monday, July 21, 1980.

1-103. Persons born in calendar year 1961 shall present themselves for registration on any of the six days beginning Monday, July 28, 1980.

1-104. Persons born in calendar year 1962 shall present themselves for registration on any of the six days beginning Monday, January 5, 1981.

1-105. Persons born on or after January 1, 1963, shall present themselves for registration on the day they attain the 18th anniversary of their birth or on any day within the period of 60 days beginning 30 days before such date; however, in no event shall such persons present themselves for registration prior to January 5, 1981.

1-106. Aliens who would be required to present themselves for registration pursuant to Sections 1-101 to 1-105, but who are in processing centers on the dates fixed for registration, shall present themselves for registration within 30 days after their release from such centers.

1-107. Aliens and noncitizen nationals of the United States who reside in the United States, but who are absent from the United States on the days fixed for their registration, shall present themselves for registration within 30 days after their return to the United States.

1–108. Aliens and noncitizen nationals of the United States who, on or after July, 1, 1980, come into and reside in the United States shall present themselves for registration in accordance with Sections 1–101 to 1–105 or within 30 days after coming into the United States, whichever is later.

1–109. Persons who would have been required to present themselves for registration pursuant to Sections 1–101 to 1–108 but for an exemption pursuant to Section 3 or 6(a) of the Military Selective Service Act, as amended, or but for some condition beyond their control such as hospitalization or incarceration, shall present themselves for registration within 30 days after the cause for their exempt status ceases to exist or within 30 days after the termination of the condition which was beyond their control.

50 USC app. 453, 456.

1–2. *Places and Times for Registration.*

1–201. Persons who are required to be registered and who are in the United States on any day fixed herein for their registration, shall present themselves for registration before a duly designated employee in any classified United States Post Office.

1–202. Citizens of the United States who are required to be registered and who are not in the United States on any of the days set aside for their registration, shall present themselves at a United States Embassy or Consulate for registration before a diplomatic or consular officer of the United States or before a registrar duly appointed by a diplomatic or consular officer of the United States.

1–203. The hours for registration in United States Post Offices shall be the business hours during the days of operation of the particular United States Post Office. The hours for registration in United States Embassies and Consulates shall be those prescribed by the United States Embassies and Consulates.

1–3. *Manner of Registration.*

1–301. Persons who are required to be registered shall comply with the registration procedures and other rules and regulations prescribed by the Director of Selective Service.

1–302. When reporting for registration each person shall present for inspection reasonable evidence of his identity. After registration, each person shall keep the Selective Service System informed of his current address.

Having proclaimed these requirements for registration, I urge everyone, including employers in the private and public sectors, to cooperate with and assist those persons who are required to be registered in order to ensure a timely and complete registration. Also, I direct the heads of Executive agencies, when requested by the Director of Selective Service and to the extent permitted by law, to cooperate and assist in carrying out the purposes of this Proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of July, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Editorial Note: The President's remarks of July 2, 1980, on signing Proclamation 4771, are printed in the Weekly Compilation of Presidential Documents (vol. 16, p. 1274).

Proclamation 4772 of July 2, 1980

National Porcelain Art Month

By the President of the United States of America

A Proclamation

The art of painting on porcelain has been recognized as a fine art by all the world's great civilizations and has enriched museums in many countries for hundreds of years.

This art form, requiring great skill, training, and talent, has been enthusiastically adopted and enhanced by thousands of talented Americans whose labors will awe and delight generations yet to come.

The Congress, by Senate Joint Resolution 115, has requested the President to proclaim the month of July 1980 as National Porcelain Art Month.

Ante, p. 830.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby proclaim the month of July 1980 as National Porcelain Art Month, and I call upon the people of the United States to observe the month with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of July in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4773 of July 2, 1980

Citizenship Day and Constitution Week, 1980

By the President of the United States of America

A Proclamation

USC prec. title 1.

On September 17, 1980 the Constitution of the United States will be 193 years old. Yet, it is as forceful and dynamic today as on that day in 1787 when it was signed by our Forefathers. Not only has this hallowed document endured, it has grown stronger in the nearly two centuries since its adoption and continues to increase in vitality with each succeeding generation. Today, as ever, it stands as a beacon for those dedicated to the principles of government by and for the people.

By joint resolution of February 29, 1952 (36 U.S.C. 153), the Congress designated September 17 as Citizenship Day, in commemoration of the formation and signing of the Constitution and in recognition of all who have attained the status of citizenship. The resolution authorized the President to issue annually a proclamation calling upon officials of the Government to display the flag on all Government buildings on that day. By a joint resolution of August 2, 1956 (36 U.S.C. 159), Congress authorized the President to designate the period beginning September 17 and ending September 23 of each year as Constitution Week and to issue a proclamation calling for observance of that week.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, call upon appropriate Government officials to display the flag of the United States on all Government buildings on Citizenship Day, September 17, 1980. I urge Federal, State and local officials, as well as leaders of civic, educational and religious organizations to conduct meaningful ceremonies and programs on that day.

I also designate as Constitution Week the period beginning September 17 and ending September 23, 1980, and urge all Americans to observe that week with meaningful ceremonies and activities in their schools, churches and in other suitable places in order to foster a better understanding of the Constitution, and of the rights and duties of United States citizens.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of July, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4774 of July 2, 1980

National P.O.W.-M.I.A. Recognition Day, 1980

By the President of the United States of America

A Proclamation

In each of America's wars our prisoners of war have been called upon to make uncommon sacrifices. Upon them has fallen the arduous responsibility of defending American ideals under the absolute control of the enemy. Extremely difficult at best, this responsibility becomes magnified almost beyond comprehension when men and women are treated inhumanely—in violation of ordinary human compassion, fundamental moral standards, and basic international obligations.

The Congress has by Joint Resolution designated July 18, 1980 as "National P.O.W.-M.I.A. Recognition Day."

All Americans should recognize the special debt we owe our fellow citizens who, as prisoners during wartime, sacrificed their freedom that we might enjoy the blessings of peace and liberty. Likewise, we must remember the unresolved casualties of war—our soldiers who are still missing. The pain and bitterness of war endures for their families, relatives, and friends.

Our Nation will continue to seek answers to the many questions that remain about their fate.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States o America, do hereby designate Friday, July 18, 1980, as National P.O.W.-M.I.A. Recognition Day, a day dedicated to all former American prisoners of war, to those still missing, and to their families. I call on all Americans to join in honoring those who made the uncommon sacrifice of being held captive in war, and their loved ones.

And I call on State and local officials and private organizations to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of July in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4775 of July 22, 1980

National Cystic Fibrosis Week

By the President of the United States of America

A Proclamation

Cystic fibrosis is the most common fatal genetic disease afflicting American children today. An inherited disorder of unknown cause, cystic fibrosis affects approximately 20,000 to 30,000 infants, children, and young adults. While the cost of medical treatment reaches into the millions of dollars, the costs of cystic fibrosis in terms of human suffering are inestimable.

Through biomedical research, the outlook for cystic fibrosis patients has become brighter over the years. Long considered fatal in childhood, cystic fibrosis has begun to yield to the efforts of science. The life expectancy of cystic fibrosis victims has increased well into the teens, twenties and beyond. Moreover, improved methods of treatment have enhanced the quality of patients' lives. Despite this progress, however, the basic cause of cystic fibrosis, as well as its cure, continues to elude investigators.

The Department of Health and Human Services, in cooperation with private, voluntary agencies, is meeting the challenge of cystic fibrosis with an intensified research program. Through the National Institutes of Health, the Department's biomedical research arm, studies are now under way to identify the causes—and consequences—of the disease, and to develop improved methods of detection, treatment, and, eventually, prevention.

In recognition of the progress that has been made, and of the many research questions that still remain to be answered, the Congress has by House Joint Resolution 445 designated the week of September 21, 1980, "National Cystic Fibrosis Week", a time to highlight the hope for the future that this Nation shares with cystic fibrosis victims and their families.

Ante, p. 482.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby proclaim the week beginning September 21, 1980, as "National Cystic Fibrosis Week."

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of July, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fifth.

JIMMY CARTER

Proclamation 4776 of July 31, 1980

National Hispanic Heritage Week

By the President of the United States of America

A Proclamation

Hispanic peoples have played a distinguished role in the history of our Nation. They founded settlements in Florida and Georgia half a century before the Pilgrims landed in Massachusetts, and were homesteading in New Mexico more than 150 years before the War of Independence. The names of scores of American cities and towns—such as Los Angeles, Albuquerque, San Antonio, and Saint Augustine—remind us that many of the explorers and settlers who opened our frontiers were of Hispanic origin.

The Hispanic community has given us generals, admirals, philosophers, statesmen, musicians, athletes, and Nobel Prize-winning scientists. Hispanic Americans have contributed gallantly to the defense of our Nation, and many have received the highest decoration our country can bestow—the Congressional Medal of Honor.

Outstanding Hispanic men and women add daily to our Nation's accomplishments in science, technology, the arts, and politics. And Hispanic citizens contribute daily to the quality of our lives. Hispanics exhibit an eminent pride in our American heritage, a passionate love of family, a profound devotion to religion, and an energetic commitment to hard work.

As we enter the 1980s, it is fitting that we pause to recognize and celebrate our Hispanic heritage.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby proclaim the week beginning September 14, 1980, as National Hispanic Heritage Week. I call upon Federal, State, and local officials to observe this week with appropriate activities and to search out innovative ways for government to work in partnership with the Hispanic community. Hispanic immigrants were among the earliest and are now among the most recent to arrive in this haven of liberty and human rights, and I urge all Americans to reflect on the invaluable contribution they have made to the greatness, the diversity, and the strength of this Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of July, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fifth.

JIMMY CARTER

Editorial Note: The President's remarks of July 31, 1980, on signing Proclamation 4776, are printed in the Weekly Compilation of Presidential Documents (vol. 16, p. 1457).

Proclamation 4777 of August 7, 1980

Leif Erikson Day, 1980

By the President of the United States of America

A Proclamation

The name of Leif Erikson symbolizes the triumph of the human spirit. A thousand years ago, he and his crew of Norsemen conquered the North Atlantic in an open boat and set a permanent standard of fearlessness, fortitude and endurance. His example will always be an example to men and women of daring and imagination.

In commemorating his life, we also salute the achievements of the Scandinavian people, whose voyages at the dawn of the Middle Ages pushed back the frontiers of human geographical knowledge in many parts of the world, and whose accomplishments have enriched Western man from that era to our own.

As a mark of respect to the courage of Leif Erikson and his Norse followers, the Congress of the United States, by joint resolution approved September 2, 1964 (78 Stat. 849, 36 U.S.C. 169c), authorized the President to proclaim October 9 in each year as Leif Erikson Day.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate Thursday, October 9, 1980 as Leif Erikson Day and I direct the appropriate Government officials to display the flag of the United States on all Government buildings that day.

I also invite the people of the United States to honor the memory of Leif Erikson on that day by holding appropriate exercises and ceremonies in suitable places throughout the land.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of August, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fifth.

JIMMY CARTER

Proclamation 4778 of August 8, 1980

American Enterprise Day, 1980

By the President of the United States of America

A Proclamation

The American free enterprise system, the cornerstone of our Nation's economy, has endured and flourished for more than 200 years. It provides us with one of the highest standards of living in the world, and guarantees freedom of choice in a way that sets us apart among nations.

It is a system that depends upon and rewards initiative and innovation, a system that offers opportunities to Americans from all walks of life, a system whose benefits accrue to each of us.

Today, our free enterprise system is buffeted by changes both at home and abroad. Inflation, the energy crisis, growing competition in world markets—all challenge our resourcefulness. To preserve the health of our system and our position in the international economy, we must work together to increase productivity by developing and implementing new techniques for the more effective use of raw materials, energy, machines, and our own labor. In the process, we will reaffirm our confidence in the American future.

In recognition of the importance of our enterprise system, the Congress in Senate Joint Resolution 109 has requested the proclamation of October 3, 1980, as American Enterprise Day.

Ante, p. 78.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby proclaim October 3, 1980, as American Enterprise Day, and I urge business, labor, agricultural, educational, professional, consumer and civic groups, as well as the people of the United States generally, to observe American Enterprise Day with appropriate activities that promote appreciation of the American free enterprise system and its benefits.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of August, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fifth.

JIMMY CARTER

Proclamation 4779 of August 8, 1980

National Diabetes Week, 1980

By the President of the United States of America

A Proclamation

Diabetes, a disorder in which the body is unable properly to convert nutrients into energy, affects approximately 10 million Americans. As the fifth leading cause of death by disease, it has become a serious and widespread public health problem. Diabetes is a major contributing factor to heart attacks, stroke, kidney failure and blood vessel disease, and the number of diabetics is increasing in all age groups. The medical cost of diabetes is also on the rise, approaching $7 billion annually—and that does not even take into account the complications of the disease. But the highest price of all is paid in terms of the quality of its victims' lives.

Not since the discovery of insulin over half a century ago, however, has the outlook for advances in the treatment, cure and ultimate prevention of diabetes been as promising as it is today. In recent years, research has yielded new and exciting information about the causes and treatment of diabetes and its complications.

42 USC 201 note.

The National Diabetes Mellitus Research and Education Act of 1974 provided the impetus for the intensified research effort now under way in hospitals and medical centers around the country. The Federal Government, in cooperation with private voluntary organizations, is leading the research challenge with a multiagency attack on the disease. This continuing coordinated approach is expected to lead not only to more effective methods of diabetes control but eventually to a reduction in the impact of this disease on the people and economy of this Nation.

By Joint Resolution enacted April 2, 1980 (Public Law 96–224), the Congress has designated the week beginning October 5, 1980, as National Diabetes Week. *Ante,* p. 309.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby proclaim the week beginning October 5 through October 11, 1980 as National Diabetes Week and I call upon the people of the United States to observe that week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of August, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fifth.

JIMMY CARTER

Proclamation 4780 of August 8, 1980

Child Health Day, 1980

By the President of the United States of America

A Proclamation

All the wealth in the world, in its various forms, and all the progress that man has ever achieved would be meaningless were it not for the children who will some day receive it as a legacy. Our children give our lives continuity and meaning, and it is imperative that we do our utmost to give them, in return, the chance to live rich, vigorous and rewarding lives.

The infant mortality rate in the United States has steadily decreased during this century and is now the lowest in our history—but it is not low enough. Statistically, a child born in this country today can expect 73.2 years of healthy and productive living, but many of our children still die in childhood or infancy.

The health of our children and our posterity requires unfailing vigilance and dedication. Accordingly, I have proposed to the Congress this year a Child Health Assurance Plan to help ensure adequate health care for all American children.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby proclaim Monday, October 6, 1980, as Child Health Day.

I urge all Americans to join me in the task of planning, promoting and providing for the physical, environmental and mental health needs of our children.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of August, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fifth.

JIMMY CARTER

Proclamation 4781 of August 8, 1980

National Farm-City Week, 1980

By the President of the United States of America

A Proclamation

The Nation's most basic resources are the food and fiber produced on American farms. As these supplies are used, they are renewed each growing season. Without food and fiber, all else would cease.

The production of our food and fiber is the most common example of the use of solar energy. Plants, through interaction with the sun's rays, capture solar energy and package it in the usable form of food and fiber.

These actions are so taken for granted that we may overlook the phenomena of interdependence between sun and plants that is so basic to our well-being. Without plants, the earth would be a barren planet, incapable of sustaining life; and without energy from the sun, the earth would be an uninhabitable globe whirling in space.

We may also take our national food and fiber abundance so much for granted that we overlook the interdependence of farms, which produce our food and fiber, and cities, which process the food and fiber and distribute it within easy reach of each of us. Without farms, cities would be barren monuments of concrete, and without cities, farms would be primitive forms of economic life.

To achieve a better appreciation of the contributions and cooperation of farms and cities, the Nation has set aside a week in November as National Farm-City Week. The theme is "Farm and City, Partners in Progress—Key to the Future."

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate the period November 21 through November 27, 1980, as National Farm-City Week.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of August, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fifth.

JIMMY CARTER

Proclamation 4782 of August 25, 1980

Fire Prevention Week, 1980

By the President of the United States of America

A Proclamation

Fire causes more loss of life and property in the United States than all other natural catastrophes combined. Fire is the second most frequent cause of accidental death in the home.

The human costs of fire and borne disproportionately by career and volunteer firefighters. Their profession is one of America's most hazardous.

Each year approximately 8,500 Americans die; another 300,000 are injured in fires and $5 billion worth of property is destroyed. America loses more to fire than most other countries in the industrialized world.

In an effort to alter this tragic situation, the Administration has implemented a Reorganization Plan, placing the United States Fire Administration's fire programs in the Federal Emergency Management Agency. This agency now coordinates America's disaster preparedness and response efforts, and, within it, the fire service still stands as the First Responder, with the capability and mission to contain, mitigate or resolve emergencies.

Yet the Federal government alone cannot reduce America's fire losses. The public and private sector must do their part. Together, working as a team, we can lessen the unnecessary, life-threatening destruction caused by fire.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do designate the week of October 5 through 11 as Fire Prevention Week.

Because fire deaths most often occur in homes, I call upon American familites and other property owners to install smoke detectors, to practice exit drills, and to be especially vigilant in guarding against fires. I further urge all citizens already possessing smoke detectors to use this week to test their devices to ensure their operational status.

I support and encourage the cooperative efforts of private enterprise and government in developing low cost residential sprinkler systems that may revolutionize fire safety in the home.

I encourage the fire service, police, prosecutors, the insurance industry and governmental agencies to continue to work together to improve arson prevention and control measures. Arson remains America's fastest growing crime and we need total commitment to combat it.

I call upon every fire department in the country to improve the delivery of emergency medical services and to teach citizens the fundamentals of basic life support and cardio-pulmonary resuscitation.

I urge the fire service to open their profession fully to women.

I encourage the fire service to take full advantage of the National Fire Academy.

I acknowledge the National Fire Protection Association and its affiliate, the Fire Marshals Association of North America, for their sponsorship of this week's international observance.

Finally, I call upon members of the Joint Council of National Fire Service Organizations, members of the International Association of Fire Fighters, members of the International Association of Fire Chiefs, all other organizations concerned with fire safety, and the United States Fire Administration to provide the leadership, planning and innovation necessary for an effective national fire prevention and control effort.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of August, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fifth.

JIMMY CARTER

Proclamation 4783 of August 25, 1980

White Cane Safety Day, 1980

By the President of the United States of America

A Proclamation

In every activity of daily life, most of us depend upon our sight. We take for granted the ability to wend our way through the woods, dodge children and bicycles on the sidewalk, and navigate around cars at busy intersections. As a result, we rarely stop to consider that these everyday activities can be hazardous to the six million Americans who are blind or partially sighted.

Fortunately, visually handicapped people have a distinctive tool available to them which can help in these potentially dangerous situations. That tool is a white cane.

Using the cane as an extension of the body, a sightless person can explore unfamiliar environments, locate landmarks, and find a path free of obstacles. Thanks to this simple aid, millions of visually handicapped persons are able to move about their communities with a degree of independence that would otherwise be denied them.

As valuable as the white cane is, however, it cannot warn its user of hazards more than a few feet away. It cannot detect rapidly moving vehicles, joggers, and young people on roller skates. Therefore, we must all be alert to the needs of people who carry the white cane. Often a gesture as simple as yielding the right-of-way to a visually handicapped person, or offering assistance when it seems to be needed, can make the difference between a safe journey and a hazardous one. In this way, we can help visually handicapped people overcome the difficulties that threaten to limit the freedom of movement that all of us value so highly. To heighten public awareness of the importance of the white cane to the independence and safety of blind and partially sighted Americans, the Congress, by a joint resolution approved October 6, 1964 (78 Stat. 1003; 36 U.S.C. 169d) has authorized the President to proclaim October 15 of each year as White Cane Safety Day.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby proclaim October 15, 1980, as White Cane Safety Day.

I urge all Americans to observe this day by reflecting on the accomplishments of the blind and visually handicapped, by showing sensitivity to the rights and needs of all handicapped citizens, and by resolving to aid them in their continuing struggle for independence.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of August, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fifth.

JIMMY CARTER

Proclamation 4784 of August 26, 1980

National Employ the Handicapped Week, 1980

By the President of the United States of America

A Proclamation

Our Nation is moving strongly toward greater equality for people with physical and mental disabilities.

The United Nations has designated next year as the International Year of Disabled Persons. As President, I not only reaffirm this country's commitment to equality for handicapped individuals, I intend to make every effort to see that the coming decade is one in which their aspirations are fulfilled.

We must do all we can to give the handicapped maximum independence, full access to our society, and the opportunity to develop and use their talents and skills. This must be done case by case, event by event, and program by program. Working together, we can make certain that disabled people at last enter completely into the mainstream of our great society.

To affirm our commitment to independence for handicapped individuals, the Congress, by joint resolution of August 11, 1945, as amended (36 U.S.C. 155), has called for the designation of the first full week in October each year as National Employ the Handicapped Week.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate the week beginning October 5, 1980, as National Employ the Handicapped Week. I urge all Governors, Mayors, other public officials, leaders in business and labor, and private citizens at all levels of responsibility to help remove the barriers to equal opportunity for handicapped individuals and to help them in their search for productive employment.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-sixth day of August, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fifth.

JIMMY CARTER

Proclamation 4785 of August 26, 1980

Women's Equality Day, 1980

By the President of the United States of America

A Proclamation

America struck a blow for justice on August 26, 1920, when the 19th Amendment, granting women the right to vote, became law. On this 60th anniversary, American women and men recall how far we have come on the road toward equal opportunity for all Americans and reaffirm our commitment to full equality for women. We celebrate today the achievements of the past, but even more we celebrate our dream for a future in which all Americans share equally in the rights and responsibilities of this land.

Social and political change is never easy, as we know by the sacrifices of the early Suffragists. Courageous and high-principled, these women wrote, marched and argued for their cause through long years of delay and disappointment, but they never accepted defeat. Only a few weeks before her death at 86, Susan B. Anthony addressed a convention on the theme, "Failure is impossible!" They knew the rightness of their cause, and found the will and courage to create a climate of change. We can best honor their memory today by continuing their crusade.

In the intervening years women have faithfully carried out responsibilities at all levels of government, in every area of employment and education, and in the nurturing of families and children. Yet many of the rights that should accompany those responsibilities are missing. Despite our hard-won progress, the rights of women vary from state to state. The Equal Rights Amendment to the Constitution, which would set a clear national standard outlawing discrimination against women, is still an unfulfilled promise. Thanks to the efforts of millions of women and men, 35 states have ratified the Equal Rights Amendment. We have until June, 1982, to complete the ratification process in three more states and make the principle of equality a Constitutional guarantee.

Today, I reaffirm my own commitment to make the Equal Rights Amendment part of our Constitution. I urge all Americans to rekindle the spirit of early Suffragists, to use their energies, their wisdom and their compassion to achieve full equality for women. To advance the cause of women's rights is to advance the cause of human rights.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby proclaim August 26, 1980 as Women's Equality Day.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-sixth day of August, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fifth.

JIMMY CARTER

Editorial Note: The President's remarks of Aug. 26, 1980, on signing Proclamation 4785, are printed in the Weekly Compilation of Presidential Documents (vol. 16, p. 1572).

Proclamation 4786 of August 29, 1980

Working Mothers' Day, 1980

By the President of the United States of America

A Proclamation

In greater numbers than ever before, American mothers are taking on important job responsibilities outside the home. In workplaces across our Nation and in every occupation, more than 16 million employed mothers are contributing their valuable skills to the labor force. In fact, more than half of all the mothers in this country have taken on jobs outside the home, and it is estimated that by 1990, 75% of all two-parent families will have both parents in the work force.

On the job and in the home, working mothers are making a vital contribution to the national economy and to the strength of the American family. Working mothers do not shed homemaking and parental responsibilities; they merely add the demands of a job to those of wife and mother. As we recognize the hard work and dedication of these women, we also acknowledge the many special problems they confront in meeting their dual responsibilities. We have an obligation to reinforce and support them in their endeavors.

To give special recognition to working mothers for fulfilling their exceptional responsibilities in the home and in the world of commerce, the House of Representatives (House Joint Resolution 379) has requested that I designate August 31, 1980, as Working Mothers' Day. I fully support this Resolution.

NOW THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate August 31, 1980, as Working Mothers' Day and call upon families, individual citizens, labor and civic organizations, and the business community to recognize publicly the unique contributions of mothers currently in the work force, and to honor former generations of working mothers for their important role in building American society.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of August, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fifth.

JIMMY CARTER

Proclamation 4787 of August 29, 1980

General Pulaski's Memorial Day, 1980

By the President of the United States of America

A Proclamation

Each year on the eleventh of October, the American people pay tribute to the memory of General Casimir Pulaski. In doing so they not only honor this great Polish champion of American freedom but also give recognition to the ties between our two nations, to the contributions of millions of other Polish-Americans to the birth and development of this country, and to the indivisibility of freedom everywhere.

By giving his life on the battlefield of our revolution, General Pulaski has provided inspiration to generations of his countrymen—in the United States and in Poland.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate Saturday, October 11, 1980, as General Pulaski's Memorial Day, and I direct the appropriate Government officials to display the flag of the United States on all Government buildings on that day.

I also invite the people of the United States to honor the memory of General Pulaski by holding appropriate exercises and ceremonies in suitable places throughout our land.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of August, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fifth.

JIMMY CARTER

Proclamation 4788 of August 29, 1980

Columbus Day, 1980

By the President of the United States of America

A Proclamation

On October 12, 1492, an Italian sea captain and his crew, having sailed into the western void in three fragile craft, touched land and revealed a New World to the astonished eyes of the old.

The Genoese Christopher Columbus, sailing for his royal Spanish patrons in search of fortune, glory and the validation of his dream, found these and more.

Today, almost five centuries later, we still honor Columbus for the stout heart and tenacity of purpose that sustained his exploits. He inspired an age of exploration and a continuing era of victory over the forces of complacency and ignorance.

As we prepare to commemorate the four hundred eighty-eighth anniversary of Columbus's historic landfall, we of the New World can pay no greater tribute to his memory than to keep alive that spark of hope and nerve that never failed him and has never failed us.

36 USC 146.
5 USC 6103 and note.

In tribute to the achievement of Columbus, the Congress of the United States of America, by joint resolution approved April 30, 1934 (48 Stat. 657), as modified by the Act of June 28, 1968 (82 Stat. 250), requested the President to proclaim the second Monday in October of each year as Columbus Day.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate Monday, October 13, 1980, as Columbus Day; and I invite the people of this Nation to observe that day in schools, churches, and other suitable places with appropriate ceremonies in his honor.

I also direct that the flag of the United States of America be displayed on all public buildings on the appointed day in memory of Christopher Columbus.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of August, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fifth.

JIMMY CARTER

Proclamation 4789 of August 29, 1980

United Nations Day, 1980

By the President of the United States of America

A Proclamation

This year marks the 35th Anniversary of the founding of the United Nations, an organization dedicated to maintaining international peace and security, developing friendly relations among nations, and achieving international cooperation in solving global problems. Today 153 nations work within the United Nations framework to resolve some of the most crucial problems of our time.

Never has the United Nations been more important to the United States and to the world than it is today. The past year has seen momentous international events. Many have not yet run their full course but have already changed the way we see the world around us. We have become more conscious of the risks of war and more aware of the urgent tasks of peace.

Today, peace is threatened in many ways. There are the visible threats like the invasion by a super power of an innocent, defenseless land. And, there are the more subtle threats of hunger, spiraling inflation, inadequate health care, and depleted natural and monetary resources. These threats have filled the United Nations with a strong sense of the urgency of creating an international system based on active and equitable, social and economic cooperation among the countries of the North and South.

The United Nations, through the work of its specialized agencies and programs, its regional organizations and international conferences, has become an indispensable frontline defense against the events and forces that threaten world stability. It has played a central role in setting the pace and direction for international cooperation in an interdependent world.

The United States has always been an active and dedicated supporter of the United Nations. As President, I have been proud to carry on and expand this tradition. My Administration continues to be firmly committed to a strong United Nations system.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate Friday, October 24, 1980, as United Nations Day. I urge all Americans to use this day as an opportunity to better acquaint themselves with the activities and accomplishments of the United Nations.

I have appointed Mr. Charles L. Brown to serve as 1980 United States National Chairman for United Nations Day, and the United Nations Association of the United States of America to work with him in celebrating this special day. I invite all the American people, and people everywhere, to join me in expressing sincere and steadfast support for the United Nations on its thirty-fifth anniversary. It is only through multilateral institutions like the United Nations that the solutions to our ever more urgent global problems will be found.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of August, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fifth.

JIMMY CARTER

Proclamation 4790 of September 4, 1980

National Forest Products Week, 1980

By the President of the United States of America

A Proclamation

The vast, unforgettable forests of America have always been one of our most precious treasures. Today, we have some 740 million acres of woodland—roughly one-third of the Nation's land area. This vast resource provides many of the products we depend upon—lumber for our homes, paper for recording our thoughts, fuel for heating and cooking, and the basic elements of thousands of other products.

Seventy-five years ago, the Forest Service was created within the United States Department of Agriculture to help conserve and protect America's forestlands. The dedicated men and women of this agency can be proud of their accomplishments. The science of forestry has made great strides. Today, researchers are finding ways to speed the growth of trees; discovering new methods for protecting forests from fire, insects, and disease; and developing production methods for more fully utilizing our wood resources. New methods for extracting energy from wood are also under development to help solve the Nation's energy problems.

Progress is also being made in the effort to ensure that adequate areas of our forests are preserved in their natural state for the enjoyment and benefit of Americans both now and in the future. Congress is now considering my recommendations for classifying an additional 15.4 million acres as wilderness within the National Forest System. These lands, in addition to the wilderness already created by Congress, will preserve the pristine quality of more than 30 million acres of National Forest.

While our forests continue to meet our demands for wood and recreation today, careful management is needed if they are to continue to do so in the future. All of us need to become more aware of the role woodlands play, directly and indirectly, in our lives. We must strive to improve our small woodlots as well as our large, professionally managed, public and private forests.

In order to promote awareness and to recognize the efforts of the thousands of men and women who have devoted their lives to managing this valuable resource, the Congress has designated the third week in October as National Forest Products Week.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby proclaim the week of October 19 through October 25, 1980, as National Forest Products Week and ask all Americans to demonstrate their appreciation of the value of forests through suitable activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of September, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fifth.

JIMMY CARTER

Proclamation 4791 of September 10, 1980

Veterans Day, 1980

By the President of the United States of America

A Proclamation

Each year we set aside a special day to thank America's veterans for their unselfish sacrifice and service.

On Veterans Day, 1980, we pay tribute to 30 million living and 14 million deceased patriots who served in our Armed Forces so that you and I might live in freedom. We must honor these men and women as they deserve, not only with special ceremonies, not only through our support of veterans' benefits and services, but also by committing ourselves anew to the task of ensuring that the freedoms they helped to preserve and the Nation they fought to defend will be safe and secure for future generations of Americans.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby invite every citizen of our great country to join with me in observing Veterans Day on Tuesday, November 11, 1980, with appropriate ceremonies and activities.

I call upon all Americans to support the Veterans Day theme—"A Grateful Nation Remembers"—and I urge families, friends, neighbors and fellow citizens to show their gratitude by visiting ill and disabled veterans in Veterans Administration medical centers across the country.

I ask that Federal, State, and local government officials arrange for the display of the flag of the United States on this special day—the flag under which our veterans served with honor, pride, and distinction

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of September, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America, the two hundred and fifth.

JIMMY CARTER

Proclamation 4792 of September 15, 1980

Proclamation To Suspend in Part the Tariff Concessions on Certain Lead Products and To Correct Technical Errors

By the President of the United States of America

A Proclamation

1. On October 31, 1979, under the authority of section 101(a)(1) of the Trade Act of 1974 (the Trade Act) (19 U.S.C. 2111(a)(1)), the United States entered into a trade agreement with the United Mexican States (Mexico) containing certain tariff concessions by the United States. These tariff concessions

19 USC 2111 note.

were implemented by Proclamation No. 4707 of December 11, 1979, beginning January 1, 1980. This agreement provides that, under certain circumstances which now exist, the United States may suspend or withdraw these concessions in whole or in part

2. An expectation, which this agreement stated to be the basis for the United States concessions therein, has not materialized, and only partially equivalent substitute concessions have been received from Mexico.

3. Section 125 of the Trade Act (19 U.S.C. 2135) authorizes the President, following public hearings, to withdraw, suspend, or modify the application of trade agreement obligations of the United States under certain circumstances, which now exist. Public hearings on possible modification or suspension of concessions to Mexico were held on June 12, 1980, by the Office of the United States Trade Representative.

4. I have decided, under the provisions regarding suspension in the October 31, 1979 agreement and under section 125 of the Trade Act (19 U.S.C. 2135), to suspend in part, until otherwise proclaimed by the President, the tariff concessions which were granted to Mexico in the October 31, 1979 agreement because adequate substitute compensatory concessions have not been provided by Mexico at this time.

19 USC 2111 note; *ante*, p. 3765.

5. As a distinct matter, it has been determined that certain technical errors in Proclamation No. 4707 and Proclamation No. 4768, which proclamations made numerous changes to the provisions of the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202), require correction.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes of the United States, including sections 125 and 604 of the Trade Act (19 U.S.C. 2135 and 2483), do proclaim that:

19 USC 2111 note.

(1) The tariff concession proclaimed by Proclamation No. 4707, on litharge, provided for in TSUS item 473.52, is suspended as set forth in Annex I of this proclamation.

(2) The TSUS is modified as provided in Annexes I, II, and III of this proclamation.

Ante, p. 3765.

(3) Annex II of Proclamation No. 4768 is amended as provided in Annex II of this proclamation.

(4) Annex IV of Proclamation No. 4707 is amended as provided in Annex III of this proclamation.

93 Stat. 1782.

(5) The suspension in part of the rates of duty on litharge, provided for in Annex I of this proclamation, shall be effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after September 15, 1980.

(6) The amendment to Proclamation No. 4768 and the consequential changes to the TSUS made by Annex II of this proclamation shall be effective with respect to articles exported to the United States on and after July 1, 1980, and as to which the liquidations of the entries or withdrawals covering the subject merchandise have not become final and conclusive under section 514 of the Tariff Act of 1930 (19 U.S.C. 1514), by the date of this proclamation.

(7) The amendment to Proclamation No. 4707 and the consequential changes to the TSUS made by Annex III of this proclamation shall be effective on the date of publication of this proclamation in the **Federal Register**.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of September, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fifth.

JIMMY CARTER

ANNEX I

Part 2 of the Appendix to the Tariff Schedules of the United States is modified by inserting the following new subpart D:

Item	Articles	Rates of duty		Effective period
		1	2	
	Subpart D.—Temporary increase in duties, pursuant to sec. 125 of the Trade Act of 1974. *Subpart D headnote:* 1. Any article described in the provisions of this subpart, if entered during the period specified in the last column, is subject to duty at the rate set forth herein in lieu of the rate provided therefor in schedules 1 to 8, inclusive.			
948.10	Litharge (provided for in item 473.52).	3.5 pct ad val	No change	On or after Sept. 15, 1980.

ANNEX II

Annex II to Presidential Proclamation 4768 of June 28, 1980, modifying the Tariff Schedules of the United States, is amended as follows:

Schedule 4, Part 1, Subpart B

1. The article description for item 404.84 is amended by deleting "Toluidine carbinate;" and substituting in lieu thereof, "Toluidine Carbonate;":

Schedule 4, Part 1, Subpart C

2. Schedule 4, Part 1C is amended:

a.) by adding "val.) (1)" to the rate of duty shown in the "Rates of Duty 2" column for item 409.42, and

b.) by inserting the following immediately after item 409.42:

"Colors, dyes, stains, and related products:

409.46	Sulfur black, "Colour Index Nos. 53185, 53190, and 53195".	1.5¢ per lb + 14 pct ad val.	(3¢ per lb + 28 pct ad val.)(1)";

Chemical Appendix

3. The Chemical appendix is amended by deleting from the list of Common Chemical Names or Trade Names "M-Toline dihydrochloride", and substituting "m-Tolidine dihydrochloride" in lieu thereof, and by deleting "4-4-Trifluoro-1-trifluoromenthyl-ethylidene-diphenol" therefrom.

ANNEX III

Annex IV to Presidential Proclamation 4707 of December 11, 1979, modifying the Tariff Schedules of the United States, is amended as follows:

Section C(6) is amended by modifying general headnote 3(d)(ii) by inserting

"and which are not entitled to duty-free treatment under subdivision (c) of this headnote."

immediately after the word "schedules", as it first appears.

Proclamation 4793 of September 17, 1980

Increase in the Rate of Duty for Certain Textile Articles From the European Communities

By the President of the United States

A Proclamation

1. On February 20, 1980, the European Communities announced the imposition of quotas, under Article XIX of the General Agreement on Tariffs and Trade (GATT) (61 Stat. (pt. 5) A 58; 8 UST (pt. 2) 1786), on polyester filament yarn and polyamide (nylon) carpet yarn, imported into the United Kingdom on or after January 1, 1980. These quotas apply to exports from sources including the United States but exclude certain other countries.

2. On March 10, 1980, pursuant to Article XIX:2 of the GATT, the United States and the European Communities entered into consultations on this issue. These consultations have been suspended. The United States took note of certain trade liberalizing measures taken by the European Communities. An understanding has also been reached between the United States and the European Communities concerning the impact on the trade of the United States of excluding the products of certain other countries from the quotas. The quotas imposed by the European Communities are scheduled to expire on December 31, 1980. The actions taken to date by the European Communities including the above-mentioned liberalizing measures and the understanding, would not constitute adequate compensation if the quotas are extended beyond December 31, 1980.

3. Section 125(d) of the Trade Act of 1974 (the Trade Act) (19 U.S.C. 2135(d)) authorizes the President, following public hearings, to withdraw, suspend, or modify the application of trade agreement obligations of the United States which are substantially equivalent to those which have been withdrawn, suspended or modified by a foreign country or instrumentality, or to proclaim under section 125(c) of the Trade Act (19 U.S.C. 2135(c)) such increased duties or other import restrictions as are appropriate to effect adequate compensation from that foreign country or instrumentality. Public hearings on possible modification or suspension of concessions to the European Communities were held on April 3, 1980, at the Office of the United States Trade Representative.

4. I have decided, pursuant to section 125(c) of the Trade Act to increase the duty on the textile articles listed in the Annex to this proclamation, the product of any member country of the European Communities, effective January 1, 1981, if the aforementioned import restrictions are extended by the European Communities beyond December 31, 1980, without providing adequate compensation.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes of the United States, including sections 125 and 604 of the Trade Act (19 U.S.C. 2135 and 2483), and in accordance with Article XIX of the GATT do proclaim that:

61 Stat. A58; 8 UST 1786.

(1) Subpart D, part 2 of the Appendix to the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202) is modified as set forth in the Annex to this proclamation.

(2) This proclamation shall be effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after January 1, 1981, unless the United States Trade Representative (USTR) determines that the quotas imposed by the European Communities, the subject of this proclamation, have terminated or will terminate prior to January 1, 1981, or that adequate compensation has been provided by the European Communities. If the USTR makes such a determination (published in the **Federal Register**), the modifications to the TSUS made by this proclamation shall not take effect.

3. Conforming modifications shall be made to Part I of Schedule XX to the GATT when the actions set forth in the Annex to this proclamation become effective.

(4) The TSUS, as modified by the Annex to this proclamation, shall be further modified as required by section C of Annex II to Proclamation No. 4707 of December 11, 1979, effective as to articles entered, or withdrawn from warehouse for consumption, on or after January 1, 1982. 93 Stat. 1564.

IN WITNESS WHEREOF, I have hereunto set my hand this 17th day of September, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fifth.

JIMMY CARTER

ANNEX

Subpart D, part 2 of the Appendix to the TSUS (19 U.S.C. 1202) is modified—

(1) by adding the following new headnote 2:

> "2. The term *"Products of the European Communities"* refers to products of the member states of this instrumentality which includes the Governments of Belgium, Denmark, France, the Federal Republic of Germany, Ireland, Italy, Luxembourg, the Netherlands, and the United Kingdom.";

and

(2) by adding the following new items, in numerical sequence:

Item	Articles	Rates of duty		Effective period
		1	2	
	"Products of the European Communities:			
947.52	Yarns, wholly of non-continuous man-made fibers (provided for in items 310.40 and 310.50).	20 pct ad val	No change	On or after Jan. 1, 1981.
947.56	Sweaters, of wool (provided for in items 380.59, 380.61, 382.56, and 382.58).	37.5 pct ad val ..	No change	On or after Jan. 1, 1981.
947.61	Men's or boys' coats and jackets, of wool, knit (provided for in item 380.61).	37.5 pct ad val ..	No change	On or after Jan. 1, 1981.
947.62	Men's or boys' coats and jackets, other than suit-type sports coats and jackets, of wool, not knit (provided for in 380.63 and 380.66).	37.5 pct ad val ..	No change	On or after Jan. 1, 1981.
947.65	Women's, girls' and infants' coats, of wool (provided for in items 382.58, 382.60, and 382.63).	37.5 pct ad val ..	No change	On or after Jan. 1, 1981.
947.66	Skirts, of wool (provided for in items 382.54, 382.58, 382.60, and 382.63).	37.5 pct ad val ..	No change	On or after Jan. 1, 1981."

Proclamation 4794 of September 18, 1980

Constantino Brumidi Day

By the President of the United States of America

A Proclamation

On September 18, 1852, a noted Italian artist named Constantino Brumidi arrived in this country as a political exile.

He spent the remainder of his life embellishing the United States Capitol with magnificent works of art and truly earned the description "Michelangelo of the Capitol of the United States."

Mr. Brumidi's gratitude for the liberty this nation provided to him and his contributions to our national heritage are a source of inspiration for all of us.

Ante, p. 1163.

In tribute to his achievements, the Congress of the United States of America, by House Joint Resolution 594, has requested the President to proclaim Thursday, September 18 as Constantino Brumidi Day.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate Thursday, September 18, 1980, as Constantino Brumidi Day.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of September, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fifth.

JIMMY CARTER

Proclamation 4795 of September 22, 1980

National Day of Prayer, 1980

By the President of the United States of America

A Proclamation

Our Nation's current electoral process is both testimony and example of the power of free men and women to govern themselves. Our forebears, drawing from a faith in the people rooted in a firm faith in God, launched this grand experiment in responsible self-government. In the days ahead, no matter what our individual political convictions, we can all be grateful for the honor and integrity of this noble process.

Without trying to impose our will on other nations, let us continue to hold high the torch of liberty and democracy that has illumined our land. Laying aside arrogance and false pride, let us continue to urge self-determination and human rights as the best way for peoples everywhere to realize their own full destiny.

Let us pray that freedom, in all its manifestations, may be the reality of the present and the wave of the future. Let us pray that people everywhere will be free—free even to make their own mistakes as they struggle to build a life of material security and spiritual satisfaction.

As we pray, let us never forget the American citizens in Iran who remain hostages in fundamental violation of the teachings of the world's religions. Let us also pray that harmony and stability will come to the people of Iran, leading both to the safe return of our brothers and sisters and to a better life for all in that troubled land.

Recognizing our need for prayer, the Congress, by Joint Resolution, approved April 17, 1952 (36 U.S.C. 169h; 66 Stat. 64), has called upon the President to set aside a suitable day each year as a National Day of Prayer.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby proclaim Monday, October 6, 1980, as a National Day of Prayer. I further ask that all who so desire make this a Day of Fast as well. On that day, I ask Americans to join me in thanksgiving to God for His blessings and in earnest prayer to Him for His protection in the year ahead. Finally, may He grant freedom to all unjustly held captive, and may He grant us His vision of a world at peace.

IN WITNESSS WHEREOF, I have hereunto set my hand this twenty-second day of September, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fifth.

JIMMY CARTER

Proclamation 4796 of September 25, 1980

National School Lunch Week, 1980

By the President of the United States of America

A Proclamation

The future of our country lies in our children. Nutrition is vital in insuring that they reach their full potential—physically, emotionally and intellectually.

The National School Lunch Program provides nourishing lunches to 27 million children every school day. Studies show that nutritious meals help increase the attention span and learning capabilities of students. School lunches also help children learn good dietary habits. Cafeterias can become learning laboratories, especially when menus are related to nutrition instruction in the classroom.

Recently, many changes have been made to improve the lunch program in American schools. Thousands of people have contributed to this effort. Principals, teachers and parents, Federal, state and local officials have joined school food service personnel in improving the quality, appearance and nutrition of school meals. Students themselves have been involved through youth advisory committees. I want to recognize these individuals for their concern and their work in over 95,000 schools across the country. Their continued involvement will contribute to a healthier generation.

In recognition of the School Lunch Program's contribution to America's youth, the Congress, by a joint resolution of October 9, 1962 (76 Stat. 779; 36 U.S.C. 168), has designated the week beginning the second Sunday of October in each year as National School Lunch Week and has requested the President to issue annually a proclamation calling for its appropriate observance.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby urge the people of the United States to observe the week of October 12 as National School Lunch Week and to give special attention to activities that will promote good nutrition to America's youth.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of September, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fifth.

JIMMY CARTER

Proclamation 4797 of September 30, 1980

American Education Week, 1980

By the President of the United States of America

A Proclamation

Nothing is of greater importance to the future of America than education. The survival of our free institutions, the health of our economy, the power of our ideals depend on the vitality of our educational system.

The theme of this year's American Education Week—an event we have celebrated for more than sixty years—is "Education in the 80's: Preparation for the Future." Our future will be determined by how well we pass along our knowledge and our values to our children.

American Education Week affords all of us time to think about the needs, the importance, and the hopes for education. And it gives us a time to acknowledge the accomplishments of an education system that serves more than 58 million young people and adults.

We have much to be proud of—our schools, our teachers, and the administrators who make the system work. But there is more progress to be made and more work ahead of us.

I invite all Americans to join me in reaffirming our commitment to the excellence and equality of the educational opportunity offered to every individual in our Nation. Education is everyone's concern.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate the period of November 16 through 22, 1980, as American Education Week.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of September, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fifth.

JIMMY CARTER

Proclamation 4798 of October 3, 1980

National Port Week, 1980

By the President of the United States of America

A Proclamation

Our Nation's seaports and river ports, operated by local and State authorities, are indispensable to our national prosperity and international commerce.

Historically, waterborne commerce has been a key element in the development and growth of most of the Nation's major population and commercial centers. Today public and privately owned marine terminals, valued at about $54 billion, are expected to handle almost two billion short tons of foreign and domestic oceanborne cargo in 1980.

In addition to the economic benefits provided by our ports, they play a leading role in logistical support of our military forces. Our port system has been and will continue to be vital in maintaining our national security.

The Congress has by House Joint Resolution 551 requested the President to designate the seven calendar days beginning October 5, 1980, as National Port Week.

Ante, p. 1361.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, in order to remind Americans of the importance of the port industry of the United States to our national life, do hereby designate the seven calendar days beginning October 5, 1980, as National Port Week. I invite the Governors of the several States, the chief officials of local governments, and the people of the United States to observe such week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this third day of October, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fifth.

JIMMY CARTER

Proclamation 4799 of October 10, 1980

National Lupus Week, 1980

By the President of the United States of America

A Proclamation

Systemic lupus erythematosus (also known as lupus, or SLE) is a serious connective tissue disorder, affecting an estimated 500,000 Americans. Almost 90 percent of its victims are young women.

In the systemic form, lupus can affect almost any part of the body, often producing abormalities in the kidney, heart, skin, joints, and other internal organs.

The outlook for victims of lupus has vastly improved in recent years. In 1955, the survival rate for lupus victims was only 50 percent four years after diagnosis. Now, more than 80 percent of lupus patients are alive 10 years after their disease has been identified. This increased survival is due to a greater awareness of the disease, better diagnostic methods, and development of more effective drug therapies. Nevertheless, an estimated 50,000 new cases are diagnosed each year, and much additional research is needed to pinpoint the underlying cause of this disease and to discover methods for preventing or halting its progression.

In the last few years, progress has been made toward better understanding of lupus. Public and privately-supported medical research and education mean that each year thousands of patients can look forward to improved treatment, and the opportunity to live happier and more productive lives. However, new research findings and new approaches for improved treatment and diagnosis are needed if we are ever to eliminate lupus as a cause of human suffering and to improve the quality of life in our society for its victims.

The Congress has, by Senate Joint Resolution 201, authorized and requested the President to designate the week of October 19 through October 25, 1980, as National Lupus Week.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby proclaim the week of October 19 through October 25, 1980, as National Lupus Week. I invite the Governors of the States, the Commonwealth of Puerto Rico, and officials of other areas subject to the jurisdiction of the United States to issue similar proclamations.

I urge the people of the United States and educational, philanthropic, scientific, medical, and health care organizations and professions to provide the necessary assistance and resources to discover the cause and cure of systemic lupus erythematosus and the other rheumatic diseases and to alleviate the suffering of all persons struck by these disorders.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of October, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fifth.

JIMMY CARTER

Proclamation 4800 of October 13, 1980

Italian-American Heritage Week, 1980

By the President of the United States of America

A Proclamation

Columbus Day is a symbol of the debt our Nation owes to Italian-Americans.

During the past four hundred years, millions of Italians have become Italian-Americans. Many of them arrived in this country without money or property or friends. They had only the hope of opportunity and the strength of their character. They took advantage of opportunities which America offered and the result has been an extraordinary contribution to every facet of American life.

In recognition of the many contributions of Italian-Americans to our country, the Congress, by House Joint Resolution 568, has requested the President to designate the week of October 12 through October 19, 1980, as Italian-American Heritage Week.

Ante, p. 1888.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate the week of October 12, through October 19, 1980, as Italian-American Heritage Week. I call upon the people of the United States, State and local agencies, and interested organizations to observe that week with appropriate ceremonies, activities and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of October, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fifth.

JIMMY CARTER

Editorial Note: The President's remarks of Oct. 13, 1980, on signing Proclamation 4800, are printed in the Weekly Compilation of Presidential Documents (vol. 16, p. 2196).

Proclamation 4801 of October 29, 1980

Temporary Duty Increase on the Importation Into the United States of Certain Mushrooms

By the President of the United States of America

A Proclamation

1. Pursuant to Section 201(d)(1) of the Trade Act of 1974 (the Trade Act) (19 U.S.C. 2251(d)(1)), the United States International Trade Commission (USITC), on August 18, 1980, reported to the President (USITC Report 201–43) the results of its investigation under section 201(b) of the Trade Act (19 U.S.C. 2251(b)). The USITC determined that mushrooms, prepared or preserved, provided for in item 144.20 of the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202), are being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article. The USITC recommended the imposition of quantitative restrictions on imports of the above specified mushrooms.

2. On October 17, 1980, pursuant to section 202(b)(1) of the Trade Act (19 U.S.C. 2252(b)(1)), and after taking into account the considerations specified in section 202(c) of the Trade Act (19 U.S.C. 2252(c)), I determined to remedy the injury, or threat thereof, found to exist by the USITC by proclaiming a temporary duty increase. On October 17, 1980, in accordance with section 203(b)(1) of the Trade Act (19 U.S.C. 2253(b)(1)), I transmitted a report to the Congress setting forth my determination and intention to proclaim a temporary duty increase and stating the reason why my decision differed from the action recommended by the USITC.

3. Section 203(e)(1) of the Trade Act (19 U.S.C. 2253(e)(1)) requires that import relief be proclaimed and take effect within 15 days after the import relief determination date.

4. Pursuant to sections 203(a)(1) and 203(e)(1) of the Trade Act (19 U.S.C. 2253(a)(1) and 2253(e)(1)), I am providing import relief through the temporary increase of the import duty on the subject mushrooms.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes of the United States, including sections 604 and 203 of the Trade Act (19 U.S.C. 2483 and 2253), and in accordance with Article XIX of the General Agreement on Tariffs and Trade (GATT) (61 Stat. (pt. 5) A58; 8 UST (pt. 2) 1786), do proclaim that—

61 Stat. A1157. (1) Part I of Schedule XX to the GATT is modified to conform to the actions taken in the Annex to this Proclamation.

19 USC 1202. (2) Subpart A, part 2 of the Appendix to the TSUS is modified as set forth in the Annex to this Proclamation.

(3) This Proclamation shall be effective as to articles entered, or withdrawn from warehouse for consumption, on or after November 1, 1980, and before the close of October 31, 1983, unless the period of its effectiveness is earlier expressly suspended, modified or terminated.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of October, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fifth.

JIMMY CARTER

ANNEX

Subpart A, part 2 of the Appendix to the TSUS (19 U.S.C. 1202) is modified by inserting in numerical sequence the following new provision:

Item	Articles	Rates of duty			
		1			2
		Effective on or after November 1 —			
		1980	1981	1982	
"922.55	Mushrooms, prepared or preserved, provided for in item 144.20.	The rate provided for in item 144.20 + 20 pct ad val.	The rate provided for in item 144.20 + 15 pct ad val.	The rate provided for in item 144.20 + 10 pct ad val.	No change."

Proclamation 4802 of November 12, 1980

Wright Brothers Day, 1980

By the President of the United States of America

A Proclamation

Seventy-seven years ago on December 17, at Kitty Hawk, North Carolina, the Wright Brothers launched man into the age of powered flight. Though their historic first flight lasted but 12 seconds, inventors Orville and Wilbur Wright accomplished what mankind had dreamed of for centuries.

The development of the airplane is one of the most remarkable achievements of the Twentieth Century. Because of it, barriers of time and distance have lost much of their social and political significance to the world family of nations.

In the three generations since that historic flight in 1903, aviation has grown to become one of America's greatest enterprises; one of its largest employers; a fundamental ingredient in the national economy; a mighty deterrent against aggression and a prime defender of peace. Our air transportation system is the greatest in the world and the primary public carrier in the United States. Moreover, some eighty-five percent of the aircraft in use throughout the world are of United States manufacture, and the free world's seven largest airlines are United States flag carriers.

To commemorate the historic achievement of the Wright Brothers, the Congress, by joint resolution of December 17, 1963 (77 Stat. 402; 36 U.S.C. 169), designated the seventeenth day of December of each year as Wright Brothers Day and requested the President to issue annually a proclamation inviting the people of the United States to observe that day with appropriate ceremonies and activities.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby call upon the people of this Nation, and their local and national government officials, to observe Wright Brothers Day on December 17, 1980, both to perpetuate the memory of the Wright Brothers' single achievement and to stimulate American pride in the furtherance of this Nation's aeronautical progress.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of November, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fifth.

JIMMY CARTER

Proclamation 4803 of November 13, 1980

Thanksgiving Day, 1980

By the President of the United States of America

A Proclamation

The greatest bounty of our Nation is the bounty of our heritage—our diversity as immigrants and descendants of immigrants, our common identity as Americans.

We have set aside one day a year to give thanks for all that we have. Yet Thanksgiving is more than just a day of celebration. It is also a commemoration—of the day America's earliest inhabitants sat down to table with European colonists.

That occasion was historic not only because it established a national holiday, but because it marked the start of a national tradition of cooperation, unity and tolerance.

Even in times of trial and frustration we have much to be thankful for, in our personal lives and in our Nation. As we pause on Thanksgiving to offer thanks to God, we should not forget that we also owe thanks to this country's forefathers who had the vision to join together in Thanksgiving, and who gave us so much of the vision of brotherhood that is ours today.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do proclaim Thursday, the 27th of November, 1980 as Thanksgiving Day. I call upon all the people of our Nation to give thanks on that day for the blessings Almighty God has bestowed upon us, and to join the fervent prayer of George Washington who as President asked God to ". . . impart all the blessings we possess, or ask for ourselves to the whole family of mankind."

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of November, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fifth.

JIMMY CARTER

Proclamation 4804 of November 14, 1980

Bill of Rights Day

Human Rights Day and Week, 1980

By the President of the United States of America

A Proclamation

On December 15, 1791, the Bill of Rights became part of the Constitution of the United States. On December 10, 1948, the United Nations General Assembly adopted the Universal Declaration of Human Rights. Marking these anniversaries together gives us an opportunity to renew our dedication both to our own liberties and to the promotion of human rights everywhere.

The Bill of Rights carries with it an implied responsibility for the governed as well as for the governing. No American citizen can rest satisfied until the Bill of Rights is a living reality for every person in the United States, irrespective of race, religion, sex, national or ethnic origin. We cannot simply rely on the decency of government or the alertness of an active free press. Each individual must shoulder his or her share of the responsibility for seeing that our freedoms will survive.

The Universal Declaration of Human Rights is the cornerstone of a developing international consensus on human rights. Through it, the members of the United Nations undertake to promote, respect and observe human rights and fundamental freedoms for all without discrimination. We must continuously monitor the progress of this effort and the records of governments around the world.

The promise of the Declaration is remote to all those who suffer summary executions and torture, acts of genocide, arbitrary arrest and imprisonment, banishment, internal exile, forced labor, and confinement for political cause. It is remote to the countless refugees who flee their lands in response to the elimination of their human rights. It is remote to those subjected to armed invasions or to military coups that destroy democratic processes. The Declaration will ring hollow to that segment of a population discriminated against by laws of *apartheid* or by restrictions on religious freedom. It will ring hollow to those threatened by violations of freedom of assembly, association, expression and movement, and by the suppression of trade unions.

The Declaration must also ring hollow to the members of the U.S. Embassy staff who have been held captive for more than a year by the Government of Iran.

The cause of human rights is embattled throughout the world. Recent events make it imperative that we, as Americans, stand firm in our insistence that the values embodied in the Bill of Rights, and contained in the Universal Declaration, be enjoyed by all.

I urge all Americans to support ratification of the Genocide Convention, the Convention of the Elimination of all Forms of Racial Discrimination, the Covenant on Economic, Social and Cultural Rights, the Covenant on Civil and Political Rights, and the American Convention on Human Rights. I renew my request to the Senate to give its advice and consent to these important treaties.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby proclaim December 10, 1980, as Human Rights Day and December 15, 1980, as Bill of Rights Day, and call on all Americans to observe Human Rights Week beginning December 10, 1980. It should be a time set apart for the study of our own rights, so basic to the working of our society, and for a renewal of our efforts on behalf of the human rights of all peoples everywhere.

IN WITNESSES WHEREOF, I have hereunto set my hand this fourteenth day of November, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fifth.

JIMMY CARTER

Proclamation 4805 of November 24, 1980

Special Limited Global Import Quota for Upland Cotton

By the President of the United States of America

A Proclamation

1. Section 103(f)(1) of the Agricultural Act of 1949, as added by Section 602 of the Food and Agriculture Act of 1977 (the Act) (91 Stat. 913, 934; 7 U.S.C. 1444(f)(1)), provides that whenever the Secretary of Agriculture determines that the average price of Strict Low Middling one and one-sixteenth inch cotton (micronaire 3.5 through 4.9), hereinafter referred to as "Strict Low Middling Cotton," in the designated United States spot markets for a month exceeded 130 per centum of the average price of such quality of cotton in such markets for the preceding thirty-six months, notwithstanding any other provisions of law, the President shall immediately establish and proclaim a special limited global import quota for upland cotton. A quota, effective from April 3 through July 2, 1980, was placed in effect by Proclamation No. 4742.

Ante, p. 3734.

2. When a special quota has been established during the preceding twelve months, the amount of the next quota is to be the smaller of twenty-one days of domestic mill consumption of upland cotton at the seasonally adjusted average rate of the most recent three months for which data are available or the amount required to increase the supply to 130 percent of the demand. The quota is to remain in effect for a ninety-day period.

3. The Secretary of Agriculture has informed me that he has determined that the average price of Strict Low Middling Cotton in the designated spot markets for the month of September 1980 has exceeded 130 per centum of the average price of such cotton in such markets for the preceding thirty-six months. The Secretary's determination was based upon the following data:

(a) The average price of Strict Low Middling Cotton in the designated spot markets for the month of September 1980 was 87.1 cents per pound.

(b) The average price of Strict Low Middling Cotton in the designated spot markets for the thirty-six months preceding the month of September 1980 (September 1977 through August 1980) was 62.85 cents per pound.

4. Twenty-one days of domestic mill consumption of upland cotton, which is any variety of the Gossypium hirsutum species of cotton, at the seasonally adjusted rate of the most recent three months for which data are available (June 1980 through August 1980) is 238,633,920 pounds.

5. On the basis of computations made in accordance with Section 103(f)(1) of the Act, a quantity of 261,757,920 pounds of upland cotton is required to increase the supply of such cotton to 130 percent of the demand therefor.

7 USC 1444.

19 USC 1202.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, by the authority vested in me by the Constitution and Statutes of the United States of America, including Section 103(f)(1) of the Agricultural Act of 1949, as added by Section 602 of the Food and Agriculture Act of 1977, and in order to establish a special ninety-day limited global import quota for 238,633,920 pounds of upland cotton, do proclaim that the temporary provision set forth in item 955.07 of Part 3 of the Appendix to the Tariff Schedules of the United States is hereby amended to read as follows:

"Item	Article	Quota quantity (in pounds)
955.07	Notwithstanding any other quantitative limitations on the importation of cotton, upland cotton, if accompanied by an original certificate of an official of a government agency of the country in which the cotton was produced attesting to the fact that cotton is a variety of the Gossypium hirsutum species of cotton, may be entered during the 90-day period November 28, 1980 through February 25, 1981	238,633,920 pounds".

IN WITNESS WHEREOF, I have hereunto set my hand this 24th day of November, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fifth.

JIMMY CARTER

Proclamation 4806 of November 26, 1980

National Family Week, 1980

By the President of the United States of America

A Proclamation

The American family has been the most resilient, dynamic force in the growth and development of our Nation. Yet its influence is so subtle that we tend to take for granted the vital functions it performs as the source of love, support, and guidance, the wellspring of courage, determination and inspiration.

National Family Week gives us a chance to highlight the special contributions and needs of the family, to acknowledge the new challenges that American families now face, and to act on the many significant recommendations generated by the White House Conference on Families.

It is a time to seek ways to strengthen and support the family—a time to renew the realization that the fundamental integrity and vitality of the Nation relies on the underlying health of the American family.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, in accordance with Senate Joint Resolution 156, do hereby request that the week of November 23, 1980, be designated National Family Week and call upon the people of the United States to observe this week with appropriate activities in their communities. *Ante*, p. 2368.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-sixth day of November, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fifth.

JIMMY CARTER

Proclamation 4807 of December 4, 1980

Modification of Import Controls on Peanuts

On Behalf of the President of the United States of America

A Proclamation

1. Item 951.00 of Part 3 of the Appendix to the Tariff Schedules of the United States provides that no more than 1,709,000 pounds of peanuts described therein may be imported into the United States during any 12 month period beginning August 1 in any year. This limitation was proclaimed by the President in Proclamation No. 3019 of June 8, 1953 (18 FR 3361) and was amended in subsequent proclamations, under the authority of Section 22 of the Agricultural Adjustment Act of 1933, as amended (7 U.S.C. 624). 19 USC 1202.

2. The President has delegated his authority under Section 22 of the Agricultural Adjustment Act of 1933, as amended, with respect to peanuts, to

me as United States Trade Representative by memorandum dated December 3, 1980.

3. I have been advised by the Secretary of Agriculture that there is a substantial deficit in the domestic supply of peanuts, of the type and physical description described below, which are suitable for edible use. I have been further advised by the Secretary of Agriculture that he has reason to believe that an additional quantity of the peanuts described below may be imported without rendering or tending to render ineffective, or materially interfering with, the price support program of the Department of Agriculture with respect to peanuts, or reducing substantially the amount of any product processed in the United States from peanuts with respect to which such program is being undertaken.

4. I agree that there is reason for such belief by the Secretary of Agriculture. Therefore, I am requesting the United States International Trade Commission to make an immediate investigation with respect to this matter pursuant to section 22 of the Agricultural Adjustment Act of 1933, as amended (7 U.S.C. 624), and to report its findings and recommendations to me as soon as possible.

5. The Secretary of Agriculture has also determined and reported to me that a condition exists with respect to peanuts which requires emergency treatment, and that the modification in the quantitative import limitations hereinafter proclaimed should be imposed without awaiting the report and recommendations of the United States International Trade Commission.

6. I find and declare that a condition exists which requires emergency treatment and that, without awaiting the recommendations of the United States International Trade Commission with respect to such action, an additional quantity of peanuts should be permitted entry, as hereinafter proclaimed, in order to meet domestic requirements for peanuts suitable for edible use, until supplies become available from the 1981 domestic crop. I also find and declare that the entry of such quantities of peanuts, under the conditions hereinafter proclaimed, will not render or tend to render ineffective, or materially interfere with, the price support operations now being conducted by the Department of Agriculture for peanuts, or reduce substantially the amount of any product processed in the United States from domestic peanuts.

NOW, THEREFORE, I, Reubin O'D. Askew, United States Trade Representative, acting pursuant to the authority vested in the President of the United States of America by the Constitution and Statutes of the United States of America, including section 22 of the Agricultural Adjustment Act of 1933, as amended, and delegated to me by memorandum dated December 3, 1980, do hereby proclaim:

7 USC 624.

19 USC 1202.

(1) Part 3 of the Appendix to the Tariff Schedules of the United States is hereby modified by inserting in numerical sequence the following temporary provision:

Item	Articles	Quota quantity
951.01	Notwithstanding the quantitative limitation on the importation of peanuts described in item 951.00, an additional quantity of such peanuts, within the scope of such quota, may be entered during the period December 4, 1980 through June 30, 1981: *Provided*, That the following certificates (or a bond for their production) for such peanuts shall be filed with the appropriate customs officer at the time of entry (except that such peanuts, blanched or otherwise prepared or preserved shall not require such certificates): (a) a certificate issued by the U.S. Department of Agriculture attesting to the fact that the peanuts meet the requirements as to quality, size, and wholesomeness that are specified in the Outgoing Quality Regulations of the Marketing Agreement for peanuts No. 146 (45 F.R. 41675–83 (June 20, 1980)) and (b) a certificate issued by the U.S. Department of Agriculture laboratories or designated laboratories approved by the Peanut Administrative Committee attesting to the fact that the peanuts-tested "negative" as to aflatoxin.	200,000,000 pounds: Provided, That peanuts in the shell shall be charged against this quota on the basis of 75 pounds for each 100 pounds of peanuts in the shell.

(2) The temporary provision added to Part 3 of the Appendix to the Tariff Schedules of the United States by paragraph (1) of this proclamation shall be deleted therefrom on July 1, 1981.

Signed this 4th day of December, 1980.

Reubin O'D. Askew

Proclamation 4808 of December 11, 1980

Proclamation To Implement Certain Tariff Concessions on Live Cattle Imports

By the President of the United States

A Proclamation

1. On September 17, 1979, under the authority of section 101(a)(1) of the Trade Act of 1974 (the Trade Act) (19 U.S.C. 2111(a)(1)), the United States entered into a trade agreement with Canada containing concessions by the United States on five tariff items regarding imports of live cattle. Section G of Annex III of Proclamation No. 4707 of December 11, 1979, provided for the staged reduction in the rates of duty for four of the tariff items on cattle. Those staged reductions were subsequently implemented by a notice published in the **Federal Register** (45 FR 20603 (1980)). Implementation of the concession on a fifth tariff item was made contingent upon the conclusion of certain trade negotiations with the United Mexican States. Those negotiations were concluded on March 18, 1980.

93 Stat. 1781.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes of the United States, including but not limited to Title I and section 604 of the Trade Act (19 U.S.C. 2483), do proclaim that:

19 USC 2111.

(1) Section G of Annex III of Proclamation No. 4707 of December 11, 1979, is amended, as provided in the Annex to this proclamation, to notify and publish the effective dates, as required by Proclamation No. 4707, and to add an additional tariff item.

(2) The aforesaid amendment shall be effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after January 1, 1980, and as to which the liquidation of entries or withdrawals has not become final and conclusive under section 415 of the Tariff Act of 1930 (19 U.S.C. 1514). If applicable, reliquidation under 19 U.S.C. 1520 is authorized.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of December, in the year of our Lord nineteen hundred and eighty and of the Independence of the United States of America the two hundred and fifth.

JIMMY CARTER

ANNEX

Section G of Annex III of Proclamation No. 4707 of December 11, 1979, is hereby amended by substituting the following in lieu thereof:

"Section G. *Staged rate modifications effective as to articles entered, or withdrawn from warehouse for consumption, on or after January 1, 1980.*

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after—		
		Jan. 1, 1980	Jan. 1, 1981	Jan. 1, 1982
Schedule 1.	*Part 1*			
100.40	1.5¢ per lb	1.3¢/lb	1.1¢/lb	1¢/lb.
100.43	2.5¢ per lb	2¢/lb	1.5¢/lb	1¢/lb.
100.45	2.5¢ per lb	2¢/lb	1.5¢/lb	1¢/lb.
100.53	1.5¢ per lb	1.3¢/lb	1.1¢/lb	1¢/lb.
100.55	2.5¢ per lb	2¢/lb	1.5¢/lb	1¢/lb.

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[1] The symbol "/" indicates per stated unit of quantity."

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